

**BROWN & JONES REPORTING, INC.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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ESTATE OF CHRISTOPHER J. DAVIS  
and DORETHA LOCK, as the  
Special Administrator of the  
Estate of Christopher J. Davis,

Plaintiffs,

-vs-

Case No. 18-CV-01846

JUAN ORTIZ, et al.,

Defendants.

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Examination of ROBERTO JUAREZ-NIEVES,  
taken at the instance of Defendants Juan Ortiz,  
Walworth County, Kurt Picknell and Matthew Weber,  
under and pursuant to the Federal Rules of Civil  
Procedure, before TRICIA P. TREXELL, Registered  
Professional Reporter, Certified Realtime Reporter  
and Notary Public in and for the State of Wisconsin,  
at the Oak Hill Correctional Institution, 5212 County  
Highway M, Oregon, Wisconsin, on July 19, 2019,  
commencing at 1:14 p.m. and concluding at 3:24 p.m.

**EXHIBIT  
K**

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## A P P E A R A N C E S

CADE LAW GROUP, LLC, by  
MR. NATHANIEL CADE, JR.,  
PO Box 170887,  
Milwaukee, Wisconsin 53217,  
appeared on behalf of the Plaintiffs.

THOMPSON LEGAL, LLC, by  
MS. DANIELLE H. THOMPSON,  
234 South Main Street,  
Jefferson, Wisconsin 53549,  
appeared on behalf of the Town of East Troy, James  
Surges, Craig Knox and Paul Schmitt.

CRIVELLO CARLSON, S.C., by  
MR. BENJAMIN A. SPARKS,  
710 North Plankinton Avenue,  
Milwaukee, Wisconsin 53203,  
appeared on behalf of Juan Ortiz, Walworth County,  
Kurt Picknell and Matthew Weber.

KASDORF, LEWIS & SWIETLIK, S.C., by  
MR. ROBERT J. LAUER,  
One Park Plaza,  
11270 West Park Place,  
Milwaukee, Wisconsin 53224,  
appeared on behalf of the Village of East Troy,  
Jeremy Swendrowski, Jeff Price and Aaron Hackett.

\* \* \* \* \*

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## Disposition Of Original Exhibits:

Retained by Attorney Cade with copies attached to  
the transcripts.

\* \* \* \* \*

## 1 TRANSCRIPT OF PROCEEDINGS

2 (Exhibit No. 46 was marked.)

3 ROBERTO JUAREZ-NIEVES, called as a  
4 witness herein, having been first duly sworn on  
5 oath, was examined and testified as follows:

## 6 EXAMINATION

7 BY MR. SPARKS:

01:14:35 8 Q Mr. Juarez, we met briefly off the record. My  
01:14:40 9 name is Ben Sparks, and I represent Walworth  
01:14:43 10 County and some of its -- one of its deputies  
01:14:45 11 and its sheriff in a federal civil rights  
01:14:48 12 lawsuit that's been filed.

01:14:50 13 Are you generally familiar with this  
01:14:53 14 civil rights lawsuit that I've been talking  
01:14:55 15 about?

01:14:55 16 A I've read what I've been receiving.

01:14:57 17 Q Okay. You understand that the Estate of  
01:14:59 18 Christopher Davis has filed a lawsuit in  
01:15:01 19 federal court?

01:15:02 20 A Yes.

01:15:02 21 Q Okay. And Mr. Cade just raised his hand. He  
01:15:06 22 represents the Estate of Christopher Davis,  
01:15:09 23 okay?

01:15:09 24 A Okay.

01:15:09 25 Q Have you ever been deposed before?

01:15:11 1 A Yes.

01:15:11 2 Q Okay. How many times have you been deposed?

01:15:14 3 A Once.

01:15:15 4 Q Was that in a civil matter?

01:15:17 5 A It's for child custody.

01:15:19 6 Q Child custody, okay. And I don't think I had

01:15:24 7 you state and spell your name for the record.

01:15:26 8 Could you do that, please?

01:15:27 9 A First name R-O-B-E-R-T-O. Last name

01:15:31 10 J-U-A-R-E-Z, hyphen, N-I-E-V-E-S.

01:15:36 11 Q And Mr. Juarez, you understand generally what

01:15:39 12 the context of a deposition in a civil

01:15:41 13 litigation is?

01:15:42 14 A Yes.

01:15:42 15 Q Basically, we're fact gathering right now,

01:15:45 16 okay?

01:15:45 17 A Okay. Should I have an attorney present or

01:15:47 18 something, or do I have a right to have an

01:15:50 19 attorney present?

01:15:51 20 Q You do have a right to have an attorney

01:15:54 21 present. This is not a criminal proceeding.

01:15:56 22 A I know.

01:15:57 23 MR. CADE: Basically, you'd have to

01:15:59 24 have your own attorney. The court would not

01:16:01 25 appoint an attorney for you because it's a

01:16:03 1 civil matter.

01:16:04 2 THE WITNESS: Okay.

01:16:05 3 BY MR. SPARKS:

01:16:05 4 Q Does that make sense?

01:16:06 5 A Yeah. I still would like one, though. I mean,  
01:16:10 6 I don't want to answer unless I'm being  
01:16:12 7 represented, period.

01:16:14 8 MR. CADE: Well, let me ask you -- if  
01:16:16 9 you don't mind?

01:16:17 10 MR. SPARKS: Yeah.

01:16:18 11 MR. CADE: Are you appealing your --  
01:16:19 12 I was at your sentencing. Are you appealing?

01:16:22 13 THE WITNESS: I'm appealing my  
01:16:24 14 sentencing.

01:16:24 15 MR. SPARKS: Are you appealing the  
01:16:25 16 sentence but not the --

01:16:26 17 THE WITNESS: I'm appealing the  
01:16:27 18 sentence.

01:16:27 19 MR. SPARKS: But not the actual  
01:16:29 20 pleading of guilty, correct?

01:16:30 21 THE WITNESS: No.

01:16:31 22 MR. CADE: So nothing here would  
01:16:32 23 affect your guilt because you've already pled  
01:16:34 24 to that. The sentence is an entirely different  
01:16:37 25 issue. The judge, as you know, looks at the

01:16:39 1 presentence guidelines, analyzes a number of  
01:16:42 2 factors and makes a determination from there  
01:16:44 3 whether -- you know, what sentence you get,  
01:16:46 4 okay?

01:16:46 5 And the fact that he did the sentence  
01:16:47 6 for you consecutive as opposed to concurrent,  
01:16:53 7 right? That's probably the basis of your  
01:16:55 8 appeal, so that has nothing to do with the  
01:16:57 9 underlying facts in the case because you've  
01:17:00 10 already pled guilty for your role in the  
01:17:00 11 underlying issue.

01:17:03 12 So all we're doing is asking  
01:17:05 13 questions because you were a witness there,  
01:17:06 14 right? There is only two witnesses who were in  
01:17:08 15 the car who are alive, you and José Lara.  
01:17:12 16 That's what we're trying to gather here.

01:17:13 17 So it has nothing to do with your  
01:17:15 18 sentence. It has nothing to do with your  
01:17:17 19 pleading guilty or any facts like that. This  
01:17:18 20 is an entirely separate beast. It's a civil  
01:17:21 21 lawsuit. We're just trying to figure out what  
01:17:23 22 happened from your perspective.

01:17:25 23 THE WITNESS: Okay.

01:17:26 24 MR. CADE: Fair enough?

01:17:27 25 THE WITNESS: Okay.

01:17:27 1 BY MR. SPARKS:

01:17:28 2 Q I'm going to go through just a few guidelines.  
01:17:30 3 You've been through a deposition before, so  
01:17:32 4 this might sound familiar to you.

01:17:34 5 As you know, you're under oath just  
01:17:36 6 as you would be testifying in court, okay?

01:17:38 7 A Okay.

01:17:38 8 Q We'll need you to provide verbal responses to  
01:17:41 9 today. Our court reporter is taking down  
01:17:44 10 everything that we say, and so nods of the head  
01:17:46 11 and things like "uh-huh" or "huh-uh" don't take  
01:17:49 12 down on the stenographic record, okay?

01:17:53 13 A Okay.

01:17:54 14 Q If you could wait for me to finish the question  
01:17:56 15 before you provide an answer, that will give us  
01:17:58 16 a good, clean record. You're going to see  
01:18:01 17 where I'm going with a lot of my questions;  
01:18:03 18 they're going to be pretty obvious, and a lot  
01:18:04 19 of them will be kind of simple to you, but if  
01:18:06 20 you could just let me get it out and then  
01:18:08 21 provide your answer, that will keep our record  
01:18:10 22 clean, okay?

01:18:11 23 A Okay.

01:18:11 24 Q If you need a break, just let me know. I'd  
01:18:14 25 just ask that you provide an answer to whatever



01:18:16 1 question is pending before we take a break,  
01:18:18 2 okay?

01:18:18 3 A Okay.

01:18:19 4 Q Whenever I ask a question, if you don't  
01:18:23 5 understand what I'm asking, let me know and  
01:18:26 6 I'll try and rephrase it in a way that you  
01:18:28 7 understand. If you provide an answer, we're  
01:18:31 8 all going to presume that you understood the  
01:18:33 9 question, okay?

01:18:34 10 A Okay.

01:18:35 11 Q Have you taken any prescription medication  
01:18:39 12 today that would affect your memory or ability  
01:18:41 13 to testify truthfully?

01:18:42 14 A No.

01:18:43 15 Q Okay. And this is not going to be a memory  
01:18:47 16 test, okay? If you don't know an answer to a  
01:18:51 17 question, assuming you understood it, and if  
01:18:53 18 you don't remember an answer to a question or  
01:18:56 19 remember what happened, just tell us that,  
01:18:58 20 okay?

01:18:58 21 A Okay.

01:18:58 22 Q And those are perfectly fine answers.

01:19:02 23 You might hear objections from some  
01:19:04 24 of the other lawyers today. Unlike in court,  
01:19:07 25 whenever there is an objection, there is not a

01:19:09 1 judge to rule on the objection and that kind of  
01:19:11 2 thing, so rather they're just putting an  
01:19:13 3 objection to get it on the record, and then you  
01:19:16 4 can provide an answer, okay?

01:19:17 5 A Okay.

01:19:17 6 Q What's your date of birth, sir?

01:19:21 7 A [REDACTED].

01:19:24 8 MR. LAUER: Can I just say something  
01:19:26 9 before we continue just for clarification?

01:19:29 10 Mr. Juarez, you are a defendant in this case.  
01:19:32 11 You've been sued in this case too, so you're a  
01:19:34 12 party. You're more than just a witness.

01:19:36 13 You understand that you've been sued  
01:19:37 14 in this case?

01:19:38 15 THE WITNESS: I do.

01:19:39 16 MR. LAUER: And we're still going to  
01:19:40 17 proceed with that understanding?

01:19:44 18 THE WITNESS: Yes.

01:19:45 19 MR. LAUER: Okay. Thank you.

01:19:45 20 MR. SPARKS: Thanks, Rob.

01:19:46 21 BY MR. SPARKS:

01:19:46 22 Q Today we're at the Oak Hill Correctional  
01:19:48 23 Institution in Oregon, Wisconsin, correct?

01:19:50 24 A Correct.

01:19:51 25 Q And you understand that you're here to give

01:19:53 1 testimony about an incident involving  
01:19:55 2 Christopher Davis that occurred on February  
01:19:57 3 24th, 2016?

01:19:57 4 A Yes.

01:19:58 5 Q Okay. Have you spoken to José Lara about this  
01:20:07 6 incident since February 24th, 2016?

01:20:10 7 A No.

01:20:11 8 Q Do you recall speaking with an agent for the  
01:20:14 9 State Department of Justice Division of  
01:20:17 10 Criminal Investigation on February 24th, 2016?

01:20:19 11 A Yes.

01:20:20 12 Q And that was around 10:00 p.m. at Muskego  
01:20:27 13 Police Department?

01:20:28 14 A Roughly.

01:20:29 15 Q Okay. Showing you what we've marked as Exhibit  
01:20:38 16 46. I'll give you a second to just kind of  
01:20:48 17 flip through the document. You don't need to  
01:20:51 18 read it fully at this point.

01:20:55 19 And as you're looking at it, is this  
01:20:58 20 a document you've seen before?

01:20:59 21 A No.

01:21:00 22 Q Okay. I'll represent to you that this is a  
01:21:02 23 document all of the attorneys in this case have  
01:21:06 24 received from the Wisconsin Department of  
01:21:08 25 Justice, and it's a report that was put

01:21:14 1 together by the Division of Criminal  
01:21:14 2 Investigation.

01:21:17 3 And it's a summary or, I guess, a  
01:21:22 4 report of that interview you gave to that  
01:21:24 5 special agent on February 24th, 2016, okay?

01:21:27 6 A Um-hm.

01:21:28 7 Q You understand that?

01:21:30 8 A Yes.

01:21:30 9 Q Okay. I'm going to be referring to this report  
01:21:35 10 throughout the deposition, but I'll let you  
01:21:40 11 know specifically where I'm talking about  
01:21:41 12 whenever I refer to it, okay?

01:21:43 13 A Okay.

01:21:43 14 Q Had you met Christopher Davis before the  
01:21:52 15 incident?

01:21:52 16 A Yes.

01:21:53 17 Q When was the first time you met him?

01:21:55 18 A I cannot tell you a exact date.

01:21:58 19 Q Was it within five years of the incident?

01:22:03 20 A Probably a little longer than that.

01:22:04 21 Q A little longer than five years?

01:22:06 22 A (Witness nods head.)

01:22:06 23 Q Longer than ten years?

01:22:08 24 A No.

01:22:09 25 Q So between five and ten years before the

01:22:11 1 incident?

01:22:11 2 A Yes.

01:22:12 3 Q How did you come to meet Christopher Davis the

01:22:14 4 first time?

01:22:14 5 A He was my cousin's boyfriend.

01:22:16 6 Q What's your cousin's name?

01:22:18 7 A Tamara Ocasio.

01:22:21 8 Q And the first time that you met Mr. Davis, was

01:22:25 9 he dating your cousin?

01:22:26 10 A Yes.

01:22:26 11 Q Would you consider you and Mr. Davis friends

01:22:33 12 back at that time?

01:22:33 13 A Yes.

01:22:35 14 Q Did you hang out very often?

01:22:37 15 A Fairly.

01:22:38 16 Q Could you give me an estimate on, like, a

01:22:43 17 monthly basis how many times you hung out?

01:22:45 18 A Probably, like, five or six times.

01:22:49 19 Q Where did you live on February 24th, 2016?

01:22:52 20 A With my grandmother.

01:22:54 21 Q What's your grandmother's name?

01:22:56 22 A Carmen Pabon.

01:22:57 23 Q Can you spell that last name for me, please.

01:22:59 24 A P-A-B-O-N.

01:23:02 25 Q And do you recall the address?

01:23:05 1 A [REDACTED].

01:23:09 2 Q Were you employed at that time?

01:23:11 3 A No.

01:23:11 4 Q Let's refer to this interview real quick. What  
01:23:21 5 I'll be using this for is to refresh your  
01:23:23 6 recollection, okay?

01:23:25 7 On page 2, at the bottom of page 2 in  
01:23:42 8 the very last paragraph, it starts by saying  
01:23:49 9 "Juarez-Nieves" --

01:23:50 10 Am I saying that -- pronouncing that  
01:23:52 11 correctly?

01:23:52 12 A Yes.

01:23:52 13 Q -- "explained he had been at his aunt's house  
01:23:56 14 in Milwaukee, Wisconsin."

01:23:58 15 Is your aunt's house the same house  
01:24:00 16 as your grandmother's house?

01:24:03 17 A It's right in front of it.

01:24:04 18 Q Okay. On the next page, page 3 up at the top.  
01:24:13 19 The very first sentence says "Juarez-Nieves  
01:24:18 20 stated he was employed by I&J Construction."

01:24:21 21 Did you have some kind of working  
01:24:23 22 relationship with I&J Construction at that  
01:24:25 23 time?

01:24:25 24 A It was here and there. It wasn't a legal job.

01:24:29 25 Q Kind of an odd jobs type of thing?

01:24:32 1 A Yes.

01:24:33 2 Q Okay. At some point on February 24, 2016, you

01:24:37 3 met up with José Lara and Chris Davis, correct?

01:24:42 4 A They went by my grandmother's house.

01:24:44 5 Q Okay. So let's actually back up to page 2 and

01:25:00 6 in the very bottom paragraph, the second

01:25:02 7 sentence, it says "Juarez-Nieves stated José

01:25:06 8 and Christopher came to his aunt's house while

01:25:09 9 he had been there."

01:25:11 10 So when you're saying they came to

01:25:14 11 your grandmother's house, that's essentially

01:25:16 12 the same place?

01:25:16 13 A Yeah. It's right in front.

01:25:17 14 Q Got it. What were you doing at your

01:25:20 15 grandmother's or aunt's house that day?

01:25:22 16 A Painting.

01:25:23 17 Q Painting, like, the inside of the house?

01:25:25 18 A Yes.

01:25:25 19 Q Okay. Did you know that Lara and Davis were

01:25:28 20 coming to the house that day?

01:25:30 21 A No.

01:25:30 22 Q What's your aunt's name?

01:25:37 23 A Jolisa Casiano.

01:25:39 24 Q Can you spell the last name for me, please.

01:25:41 25 A C-A-S-I-A-N-O.

01:25:44 1 Q Thank you. Do you remember what time Lara and  
01:25:49 2 Davis showed up at your grandmother's house?  
01:25:52 3 A Early afternoon.  
01:25:53 4 Q Okay. Do you know why they came over?  
01:25:58 5 A They just came over. My brother didn't live  
01:26:02 6 far from my grandmother's house, and Chris and  
01:26:05 7 my cousin always stop at my grandmother's  
01:26:08 8 house.  
01:26:08 9 Q And you say your brother. Is José your  
01:26:11 10 brother?  
01:26:11 11 A Yes.  
01:26:12 12 Q Can I ask why he has a different last name than  
01:26:15 13 you?  
01:26:15 14 A Different fathers.  
01:26:16 15 Q Okay. Same mother?  
01:26:17 16 A Yes.  
01:26:18 17 Q Was it common for José to just come over  
01:26:26 18 because that was also -- that was -- strike  
01:26:26 19 that.  
01:26:28 20 Was that his grandmother's house as  
01:26:31 21 well?  
01:26:31 22 A Yes.  
01:26:31 23 Q So was it common for him to come over when you  
01:26:34 24 were over there?  
01:26:35 25 A He just went over whenever he wanted to go



01:26:38 1 over. It's an open invitation to my grandma's  
01:26:42 2 house.  
01:26:42 3 Q Sure. Did Chris and José help with the  
01:26:44 4 painting that you were doing at all?  
01:26:45 5 A No.  
01:26:46 6 Q At some point when they are at the house, there  
01:26:51 7 is a decision to travel to East Troy, correct?  
01:26:53 8 A Yes.  
01:26:54 9 Q Okay. When was that decision made?  
01:26:58 10 A I can't tell you the exact time.  
01:27:01 11 Q And the way I asked the question before may  
01:27:06 12 have been confusing. Did you decide to go to  
01:27:08 13 East Troy before they showed up or after they  
01:27:13 14 showed up?  
01:27:13 15 A After.  
01:27:13 16 Q Do you remember who made the decision that all  
01:27:16 17 three of you would travel to East Troy?  
01:27:19 18 A All three of us did.  
01:27:20 19 Q And what was the purpose for going to East  
01:27:24 20 Troy?  
01:27:24 21 A To go sell drugs.  
01:27:27 22 Q Okay. Did all three of you know that that was  
01:27:34 23 the purpose to go to East Troy?  
01:27:35 24 A Yes.  
01:27:36 25 Q And this might be a weird question: How do you

01:27:42 1 know that José and Chris knew that that was the  
01:27:45 2 reason you were going to East Troy?  
01:27:46 3 A Because they went to go get the drugs.  
01:27:49 4 Q Okay. What kind of drugs are we talking about?  
01:27:54 5 A Cocaine.  
01:27:55 6 Q So you said José and Chris went to get the  
01:28:12 7 drugs?  
01:28:12 8 A Yes.  
01:28:13 9 Q Did they get the drugs before they came to your  
01:28:16 10 grandmother's house?  
01:28:17 11 A No.  
01:28:18 12 Q Okay. Can you explain how you came to learn  
01:28:21 13 that they got the drugs.  
01:28:22 14 A I had asked. Somebody had called me,  
01:28:27 15 apparently a confidential informant, about  
01:28:30 16 obtaining drugs, and I asked my brother, and  
01:28:32 17 him and Chris went to go get them.  
01:28:34 18 Q Okay. The cousin that was dating Chris, is  
01:28:43 19 that José's cousin as well?  
01:28:44 20 A Yes.  
01:28:44 21 Q Same side of the family, then?  
01:28:46 22 A Yes.  
01:28:46 23 Q So you were communicating with the -- we'll  
01:28:53 24 keep calling them the confidential informant  
01:28:56 25 just for these purposes. You were

01:28:59 1 communicating with that confidential informant.

01:29:02 2 Did you know him previously?

01:29:03 3 A Yes.

01:29:03 4 Q How did you know him? And you can just speak  
01:29:06 5 in general terms.

01:29:07 6 A From county jail.

01:29:10 7 Q Did you and the confidential informant  
01:29:18 8 communicate over the phone speaking?

01:29:20 9 A Over text messages and, like, two phone calls.

01:29:23 10 Q Did the confidential informant talk to Davis or  
01:29:26 11 Lara?

01:29:27 12 A No.

01:29:27 13 Q Only you?

01:29:28 14 A Yep.

01:29:29 15 Q So the decision to go to East Troy for the  
01:29:36 16 drugs, that was something that you and the  
01:29:40 17 confidential informant arrived at?

01:29:42 18 A Yes.

01:29:43 19 Q So whenever you told José and Chris to go get  
01:29:47 20 the drugs, can you just give me a general  
01:29:50 21 explanation to how that came about? You told  
01:29:52 22 them go get the drugs. Were they at the house  
01:29:55 23 at that time or what?

01:29:56 24 A I asked my brother if he can find anything, and  
01:29:59 25 he called around and he found something, and

01:30:01 1 Chris offered to take him.

01:30:03 2 Q Okay. Chris offered to take José and you to

01:30:09 3 East Troy?

01:30:09 4 A No. I didn't go. You're talking about when --

01:30:12 5 how they got the drugs.

01:30:13 6 Q Correct, thank you. Chris offered to take José

01:30:17 7 to go get the drugs?

01:30:18 8 A Yes, correct.

01:30:18 9 Q And then bring them to you?

01:30:20 10 A Yes.

01:30:20 11 Q And then all three of you would go to East Troy

01:30:22 12 to sell them?

01:30:23 13 A Correct.

01:30:24 14 Q Okay. When you were talking with the

01:30:38 15 confidential informant, where did you decide to

01:30:41 16 meet in East Troy?

01:30:42 17 A Originally it was a Burger King. Then it

01:30:48 18 became Roma's Restaurant.

01:30:49 19 Q Do you remember if the confidential informant

01:30:52 20 or you suggested Roma's?

01:30:54 21 A The confidential informant did.

01:30:56 22 Q Had you been to Roma's before?

01:30:59 23 A Never.

01:30:59 24 Q Had Chris Davis taken José Lara to buy drugs

01:31:15 25 more than once, to your knowledge?

01:31:17 1 A I have no idea.

01:31:19 2 Q Had you ever boughten drugs -- "boughten" is  
01:31:26 3 not a word.

01:31:28 4 Have you ever bought drugs with Chris  
01:31:31 5 Davis prior to February 24, 2016?

01:31:34 6 A No.

01:31:36 7 Q Had you ever sold drugs when Chris Davis was  
01:31:40 8 present before February 24, 2016?

01:31:43 9 A No.

01:31:43 10 Q Do you know if José ever sold drugs when Chris  
01:31:48 11 was present before February 24, 2016?

01:31:50 12 A No.

01:31:52 13 Q Okay. When you asked José whether he could  
01:32:07 14 find some drugs, were you talking to him on the  
01:32:11 15 phone or was this after they had come to your  
01:32:14 16 grandmother's house?

01:32:15 17 A After they had came to my grandmother's house.

01:32:17 18 Q Okay.

01:32:18 19 A None of this was planned.

01:32:19 20 Q Was it just by happenstance that the  
01:32:22 21 confidential informant reached out to you while  
01:32:24 22 José and Chris were at your grandmother's  
01:32:27 23 house?

01:32:27 24 A Correct.

01:32:29 25 Q So did you hear Chris Davis say to José, "I'll

01:32:36 1 take you to go get the drugs"?

01:32:38 2 A We were all in my room. Yes.

01:32:40 3 Q Okay. I appreciate what you said, and then I

01:32:43 4 appreciate you answering the question, too.

01:32:44 5 So then did they leave your

01:32:49 6 grandmother's house, get the drugs and then

01:32:51 7 come back?

01:32:51 8 A Correct.

01:32:51 9 Q And then you all left to go to East Troy?

01:32:54 10 A Correct.

01:32:58 11 Q Whenever you left to go to East Troy, were you

01:33:00 12 initially heading for that Burger King?

01:33:03 13 A Correct.

01:33:04 14 Q And while you're en route to the Burger King,

01:33:07 15 is that when the location changed to Roma's?

01:33:09 16 A Yes.

01:33:10 17 Q Did you guys go anywhere before you got to

01:33:15 18 Roma's?

01:33:16 19 A No.

01:33:16 20 Q So you just went straight from your

01:33:19 21 grandmother's house to Roma's?

01:33:20 22 A Correct.

01:33:20 23 Q Do you remember what time you guys left your

01:33:24 24 aunt's house?

01:33:25 25 A Early afternoon.

01:33:27 1 Q 3:30 p.m.?

01:33:31 2 A Sounds about right.

01:33:32 3 Q Do you recall what time you guys got to Roma's?

01:33:38 4 A About an hour after.

01:33:39 5 Q So maybe 4:00 o'clock, 5:00 o'clock?

01:33:42 6 A Somewhere around there.

01:33:44 7 Q So was it just the three of you in a vehicle

01:33:53 8 when you were traveling to Roma's?

01:33:54 9 A Correct.

01:33:54 10 Q And that's you, José Lara and Chris Davis?

01:33:58 11 A Yes.

01:33:59 12 Q Where were each of you seated in the vehicle?

01:34:01 13 A My brother was driving, Chris was in the front

01:34:03 14 passenger seat, and I was seated behind Chris.

01:34:05 15 Q Do you remember if everyone was buckled in?

01:34:11 16 A Yes.

01:34:11 17 Q Was everyone buckled in?

01:34:14 18 A To my knowledge.

01:34:15 19 Q And what type of vehicle was that?

01:34:18 20 A A Bonneville, Pontiac.

01:34:22 21 Q I might call it the Bonneville throughout the

01:34:26 22 rest of the deposition. Can we agree that

01:34:28 23 we're talking about that vehicle?

01:34:29 24 A Yes.

01:34:29 25 Q Okay. Who owned that car?

01:34:31 1 A Chris.

01:34:32 2 Q Was there any particular reason Lara was

01:34:40 3 driving?

01:34:41 4 A I believe Chris was afraid to drive on the

01:34:43 5 freeway.

01:34:44 6 Q Do you know why that is?

01:34:45 7 A No idea.

01:34:47 8 Q Had you heard that before that day?

01:34:49 9 A No.

01:34:49 10 Q Okay. Is there any particular reason you

01:34:53 11 didn't drive?

01:34:54 12 A No reason at all.

01:34:57 13 Q You guys didn't have a sit-down discussion

01:35:00 14 about who was going to drive the car?

01:35:01 15 A No.

01:35:02 16 Q You just kind of got in and went?

01:35:03 17 A Correct.

01:35:04 18 Q I may have asked this earlier; I apologize if I

01:35:15 19 did. Do you know when Chris and José met for

01:35:21 20 the first time?

01:35:21 21 A No.

01:35:21 22 Q Do you know how long they've known each other?

01:35:24 23 A I -- I don't know.

01:35:26 24 Q Did the three of you hang out very often as a

01:35:29 25 group?



01:35:29 1 A Sometimes.

01:35:31 2 Q How about on a monthly basis for the year  
01:35:34 3 leading up to the incident?

01:35:36 4 A I was in jail the year leading up. I was only  
01:35:40 5 out for a few months. I don't know how long  
01:35:42 6 they hang out, but probably two or three times  
01:35:45 7 a month.

01:35:45 8 Q Sorry. So before you were in jail, the group,  
01:35:49 9 the three of you, maybe hung out two or three  
01:35:52 10 times a month, fair?

01:35:53 11 A Yes.

01:35:54 12 Q And you don't know how often Chris and José  
01:35:57 13 hung out?

01:35:57 14 A No.

01:35:58 15 Q Okay. So on the way to Roma's, were you  
01:36:13 16 communicating with the buyer?

01:36:15 17 A Yes.

01:36:15 18 Q And were those phone calls or text messages; do  
01:36:21 19 you remember?

01:36:21 20 A One I believe was a phone call. The rest were  
01:36:25 21 text messages.

01:36:26 22 Q What was the general nature of those  
01:36:28 23 communications?

01:36:28 24 A How long it would take for me to get there.

01:36:32 25 Q Where to meet?

01:36:33 1 A Yes.

01:36:36 2 Q Had you sold drugs to this buyer before?

01:36:39 3 A Once.

01:36:40 4 Q Was that cocaine as well?

01:36:42 5 A Yes.

01:36:43 6 Q Did you tell the buyer what kind of car you

01:36:49 7 were in?

01:36:49 8 A At first, no.

01:36:52 9 Q At some point did you tell him?

01:36:55 10 A When I got to Roma's.

01:36:57 11 Q Was that so that he could locate you?

01:37:02 12 A Yes.

01:37:02 13 Q And did you tell him you were in a Pontiac

01:37:06 14 Bonneville?

01:37:06 15 A Correct.

01:37:06 16 Q Did you use any illegal drugs on February 24,

01:37:10 17 2016?

01:37:11 18 A Yes.

01:37:11 19 Q What drugs did you use that day?

01:37:13 20 A Cocaine.

01:37:14 21 Q Do you believe that that has impacted your

01:37:21 22 memory of the events that happened on that day?

01:37:25 23 A No.

01:37:25 24 Q Did you drink any alcohol at any time on

01:37:27 25 February 24, 2016?

01:37:29 1 A No.

01:37:29 2 Q Do you know if José used any illegal drugs on

01:37:37 3 February 24, 2016?

01:37:38 4 A I do not know.

01:37:38 5 Q How about Chris Davis?

01:37:40 6 A I do not know.

01:37:41 7 Q Same question for José. Do you know if he had

01:37:46 8 anything to drink that day?

01:37:47 9 A I do not know.

01:37:48 10 Q By "anything to drink," I mean alcohol.

01:37:51 11 A I can only answer for myself.

01:37:52 12 Q Okay. Were you wearing a seat belt the entire

01:38:00 13 time you were in the Bonneville?

01:38:02 14 A No.

01:38:02 15 Q At some -- at what point -- strike that.

01:38:07 16 Were you wearing a seat belt the

01:38:08 17 entire time from when you left your

01:38:10 18 grandmother's until the car left Roma's?

01:38:13 19 A Up until the point we got to Roma's, I was in

01:38:20 20 the seat belt.

01:38:20 21 Q At some point you park at Roma's, correct?

01:38:22 22 A Correct.

01:38:23 23 Q And when you parked, did you take your seat

01:38:26 24 belt off?

01:38:26 25 A No.

01:38:27 1 Q Did you take it off before then?

01:38:28 2 A No.

01:38:29 3 Q After that time?

01:38:30 4 A After.

01:38:30 5 Q Okay.

01:39:03 6 (Exhibit No. 47 was marked.)

01:39:10 7 BY MR. SPARKS:

01:39:11 8 Q Mr. Juarez, I'm showing you what we've marked  
01:39:14 9 as Exhibit 47.

01:39:18 10 MR. LAUER: You mind if we --

01:39:20 11 MR. SPARKS: Yes, sorry.

01:39:23 12 BY MR. SPARKS:

01:39:24 13 Q I'll represent to you that I went on Google  
01:39:27 14 Earth and took a snapshot of Roma's Restaurant.  
01:39:32 15 Have you looked at any aerial views of Roma's  
01:39:36 16 Restaurant since the incident?

01:39:37 17 A No.

01:39:38 18 Q Okay. Looking at this aerial view, does it in  
01:39:48 19 any way comport with your memory of the layout  
01:39:52 20 of the Roma's parking lot?

01:39:53 21 A You're asking if I can point where we're at?

01:39:56 22 Q That is eventually what I'll try and ask you to  
01:40:01 23 do, yeah.

01:40:01 24 A Yes, I can.

01:40:02 25 Q In other depositions we've been referring to

01:40:10 1 this top entrance as the north entrance and  
01:40:15 2 this bottom entrance as the south entrance,  
01:40:18 3 okay?  
01:40:18 4 A Okay.  
01:40:18 5 Q Just for points of reference.  
01:40:24 6 Using this black marker, can you show  
01:40:27 7 me the route that Lara took as he entered  
01:40:32 8 Roma's and where he eventually parked?  
01:40:37 9 A (Witness complies.)  
01:40:47 10 Q Okay. And it looks like the circle you drew,  
01:40:54 11 is that --  
01:40:56 12 A It's roughly where we parked.  
01:40:58 13 Q That represents --  
01:40:59 14 A I can't pinpoint exactly the parking spot.  
01:41:01 15 Q That's fair. You can't tell me the exact spot,  
01:41:04 16 but this is the general vicinity of where he  
01:41:06 17 parked?  
01:41:07 18 A Yes.  
01:41:07 19 Q Can you tell me between these two rows of  
01:41:11 20 parking that fall within the circle, do you  
01:41:13 21 know whether he was in one of those spots or  
01:41:15 22 which row he was in?  
01:41:17 23 A He was in this row over here.  
01:41:18 24 Q And so you put a line above the circle  
01:41:22 25 indicating that he was in what I'm going to

01:41:25 1 call the northern-most row of parking within  
01:41:31 2 the circle that you drew?

01:41:34 3 A Yes.

01:41:37 4 Q And looking back at the line that you drew, the  
01:41:43 5 black line, it looks like he took the north  
01:41:46 6 entrance to enter Roma's parking lot?

01:41:50 7 A Correct.

01:41:51 8 Q Were you instructing José where to drive?

01:41:54 9 A No.

01:41:55 10 Q He just chose to make that entrance and chose  
01:41:59 11 to park where he parked?

01:42:00 12 A Correct.

01:42:01 13 Q And from the line that you drew, it looks like  
01:42:11 14 he didn't drive all around the parking lot. He  
01:42:14 15 just drove in and parked right away?

01:42:16 16 A Correct.

01:42:17 17 Q Okay. Were there vehicles around where you  
01:42:23 18 guys were parked?

01:42:24 19 A Yes.

01:42:24 20 Q Okay. And when I say "vehicles," I'm not  
01:42:28 21 referring to law enforcement vehicles but just  
01:42:31 22 other civilian vehicles?

01:42:32 23 A Yes.

01:42:33 24 Q Do you have any estimate for how many vehicles  
01:42:35 25 were in these two rows that fall within the

01:42:40 1 circle that you made on Exhibit 47?

01:42:43 2 A It was pretty much full.

01:42:45 3 Q There's other parking spaces back towards,

01:42:57 4 like, further north in the parking lot. Were

01:43:00 5 there cars in those spots; do you know?

01:43:03 6 A I don't remember.

01:43:04 7 Q So at the point that you're sitting in the

01:43:20 8 parking lot at Roma's, you, Lara and Davis all

01:43:23 9 know that you're there to sell drugs, correct?

01:43:25 10 A Correct.

01:43:26 11 Q Did Lara and Davis know who the buyer was?

01:43:31 12 A No.

01:43:32 13 Q It's fair to say Lara and Davis knew that you

01:43:54 14 were selling cocaine because they were the ones

01:43:56 15 who picked up the cocaine, correct?

01:43:57 16 A Correct.

01:43:59 17 MR. CADE: Object to the form of the

01:44:00 18 question. Assumes facts not in evidence.

01:44:03 19 Calls for speculation. You may answer.

01:44:05 20 MR. LAUER: I think he did.

01:44:07 21 THE WITNESS: Correct.

01:44:09 22 BY MR. SPARKS:

01:44:09 23 Q At some point when you're in the parking lot,

01:44:11 24 Lara puts the car into gear, correct?

01:44:14 25 A Correct.

01:44:14 1 Q In other words, he shifts it out of park?

01:44:17 2 A Correct.

01:44:17 3 Q Do you recall whether he put it in reverse or

01:44:21 4 drive first?

01:44:22 5 A Put it in reverse.

01:44:23 6 Q Did he, in fact, back up?

01:44:31 7 A He had to back out to go to the way we came --

01:44:35 8 the way we came in.

01:44:39 9 Q Did Lara say anything before he put the car

01:44:42 10 into reverse?

01:44:43 11 A No.

01:44:44 12 Q Did Davis say anything before?

01:44:46 13 A No. It all just happened fast.

01:44:53 14 Q And I know that we're getting to where a lot

01:44:55 15 happened, so I'm going to try and break things

01:44:58 16 down into little periods of time; so bear with

01:45:03 17 me because I know it's going to feel kind of

01:45:05 18 tedious.

01:45:07 19 At the time Lara put the car in

01:45:11 20 reverse and backed up, were you aware that

01:45:16 21 there was law enforcement present in the

01:45:19 22 parking lot?

01:45:19 23 A Not at first.

01:45:20 24 Q When you say "not at first," do you mean the

01:45:27 25 entire time that Lara backed up you didn't know



01:45:31 1 there was law enforcement, correct?

01:45:33 2 A No.

01:45:34 3 Q Is my statement correct?

01:45:36 4 A Yeah.

01:45:36 5 Q Okay. I asked it in a weird way. I just want  
01:45:41 6 to make sure.

01:45:42 7 So after Lara puts it into reverse --  
01:45:48 8 well, strike that.

01:45:50 9 Did you have any indication that Lara  
01:45:52 10 was aware that there was law enforcement in the  
01:45:53 11 parking lot?

01:45:54 12 A I have no idea. We just sort of all kind of  
01:45:57 13 looked at each other, said it was like a setup,  
01:46:00 14 and he backed out and started to go.

01:46:03 15 Q Do you remember what made you think that it was  
01:46:06 16 a setup at that time?

01:46:08 17 A Because the guy was taking long to get there.

01:46:11 18 Q The --

01:46:12 19 A We all just kind of thought that's what it was.

01:46:15 20 Q The confidential informant was taking too long  
01:46:19 21 to get there?

01:46:19 22 A Correct.

01:46:20 23 Q How long had you been sitting in that parked  
01:46:23 24 spot from the time that you parked there -- and  
01:46:28 25 when I say "you," I just mean the car. From

01:46:31 1 the time that the car parked there to the time  
01:46:33 2 Lara put it in reverse, how long was that  
01:46:37 3 period of time?

01:46:37 4 A Five to ten minutes.

01:46:38 5 Q And in that five to ten minutes you had  
01:46:42 6 expected the buyer to be there by then?

01:46:44 7 A That was the plan, that he was going to be  
01:46:46 8 there.

01:46:47 9 Q And it was because he wasn't there that you  
01:46:51 10 guys just kind of all collectively started to  
01:46:54 11 think, "This doesn't feel right"?

01:46:56 12 A Right.

01:46:57 13 MR. CADE: Object to the form of the  
01:46:58 14 question. Assumes facts not in evidence.  
01:47:01 15 Speculation as to what others were thinking.  
01:47:04 16 You may answer.

01:47:05 17 THE WITNESS: Correct.

01:47:05 18 BY MR. SPARKS:

01:47:06 19 Q You said all three of you kind of looked at  
01:47:08 20 each other and then you said something about it  
01:47:10 21 being a setup, right?

01:47:11 22 A Correct.

01:47:11 23 Q Did Lara or Davis say anything that would have  
01:47:14 24 indicated to you that they also thought it was  
01:47:17 25 a setup?

01:47:17 1 A It was just more my brother looked at me and  
01:47:22 2 said it didn't feel right. I said, like, "It  
01:47:25 3 doesn't feel right either," so we all just kind  
01:47:27 4 of agreed to just leave.

01:47:29 5 Q And whenever he said to you, "This doesn't feel  
01:47:37 6 right," or "It doesn't feel right," you took  
01:47:41 7 that to mean -- you understood that to mean he  
01:47:43 8 thought it was a setup?

01:47:44 9 A Correct. I can't tell you verbatim what the  
01:47:51 10 words were.

01:47:52 11 Q Understood. So after he puts it in reverse, at  
01:47:59 12 some point he puts it in gear to drive forward,  
01:48:05 13 correct?

01:48:05 14 A After he reversed, yes.

01:48:07 15 Q And at some point after José puts it in gear to  
01:48:26 16 drive forward, you hear gunshots, correct?

01:48:30 17 A Correct.

01:48:30 18 Q Okay. These next few questions, this is --  
01:48:35 19 that's the specific time period I'm going to be  
01:48:37 20 talking about, okay?

01:48:38 21 A Okay.

01:48:38 22 Q If any of these don't make sense, please let me  
01:48:41 23 know. So I'm talking about when José first  
01:48:44 24 started to drive forward. Starting then to the  
01:48:49 25 time when you heard the first gunshot, okay?

01:48:51 1 A Okay.

01:48:52 2 Q Does that make sense?

01:48:53 3 A Yes.

01:48:53 4 Q Do you recall how much time passed in that time

01:49:00 5 period we just defined?

01:49:02 6 A From when he reversed to go forward?

01:49:06 7 Q Sorry, no. And thanks for asking that. From

01:49:09 8 the time he first started moving the car

01:49:12 9 forward to the time you heard the first

01:49:16 10 gunshot.

01:49:16 11 A Less than 30 seconds.

01:49:19 12 Q More than 5 seconds?

01:49:27 13 A Yeah. Between 10 and 20 seconds is --

01:49:34 14 Q That's as good as you can do?

01:49:36 15 A Probably as good as I can do.

01:49:38 16 Q So in this 10 to 20 seconds, were you -- where

01:49:52 17 were you seated in the Bonneville?

01:49:53 18 A Same spot I was when we got there. When we

01:49:56 19 drove.

01:49:57 20 Q Were you still buckled in at that point?

01:49:59 21 A Yes.

01:50:00 22 Q What was your field of vision like? Where were

01:50:06 23 you looking at that -- for that 10 to 20

01:50:09 24 seconds?

01:50:09 25 A Straight ahead.

01:50:10 1 Q Was "straight ahead" just the back of Chris's  
01:50:14 2 seat, then?

01:50:15 3 A No. I could see between Chris and my brother.

01:50:18 4 Q Through the windshield?

01:50:19 5 A Yes.

01:50:20 6 Q Were you looking side to side at all, too?

01:50:24 7 A No.

01:50:25 8 Q As José is driving forward before you hear the  
01:50:42 9 first gunshot, did you see any marked squad  
01:50:46 10 vehicles?

01:50:47 11 A No.

01:50:47 12 Q Did you eventually see squad vehicles in Roma's  
01:50:58 13 parking lot?

01:50:58 14 A After the gunshot.

01:51:00 15 Q We'll come back to that because I'm going to  
01:51:10 16 have you draw where you saw them, but just so  
01:51:13 17 you know.

01:51:14 18 So now as Lara is driving forward and  
01:51:17 19 still before you hear the first gunshot, did  
01:51:19 20 you see any law enforcement officers?

01:51:21 21 A No.

01:51:21 22 Q So if you didn't see any law enforcement  
01:51:32 23 officers -- and I'm talking about people on  
01:51:34 24 foot. Is that how you understood my question?

01:51:36 25 A Yes.

01:51:37 1 Q Okay. If you didn't see any law enforcement  
01:51:40 2 officers before you heard the first gunshot,  
01:51:43 3 you don't know one way or the other whether  
01:51:46 4 that Bonneville was driving towards a law  
01:51:50 5 enforcement officer before the first gunshot;  
01:51:52 6 is that fair?

01:51:52 7 A No. I can clearly tell you there was nobody in  
01:51:55 8 front of the vehicle.

01:51:56 9 Q And how can you --

01:51:57 10 A Before that gunshot.

01:51:59 11 Q How can you say that if you said you didn't see  
01:52:02 12 any law enforcement officers?

01:52:04 13 A That's why I'm telling you there was nobody in  
01:52:06 14 front of us. I didn't see anybody.

01:52:08 15 Q Okay. Is it possible that the Bonneville was  
01:52:15 16 driving in the direction of a law enforcement  
01:52:17 17 officer that you just didn't see?

01:52:19 18 A To my knowledge, no.

01:52:21 19 Q That's not possible?

01:52:23 20 A No.

01:52:24 21 Q Okay. Let's do this. So let's draw the squad  
01:52:36 22 cars that you eventually did see, okay?

01:52:41 23 We're using a blue marker, and first,  
01:52:43 24 can you just tell me how many squad cars you  
01:52:46 25 saw?

01:52:49 1 MR. LAUER: This is at what time?

01:52:51 2 MR. SPARKS: Yeah, that's a good  
01:52:52 3 point.

01:52:52 4 BY MR. SPARKS:

01:52:56 5 Q Back up. Before you draw anything, when is the  
01:52:58 6 first time you saw marked squad vehicles?

01:53:00 7 A Probably, like, a minute after we left.

01:53:03 8 Q A full 60 seconds after you were outside of  
01:53:07 9 Roma's parking lot?

01:53:08 10 A Correct. They were behind us. After the car  
01:53:11 11 was already outside on the street, there was  
01:53:14 12 squad cars coming out, like, behind me.

01:53:16 13 Q Okay. You can put the cap on the pen, then,  
01:53:21 14 actually. So I'm understanding your testimony  
01:53:25 15 to be that you didn't see any law enforcement  
01:53:26 16 officers on foot, and you didn't see any marked  
01:53:28 17 squad vehicles at any point in time in the  
01:53:30 18 Roma's parking lot?

01:53:31 19 A Exactly.

01:53:41 20 Q Did you see where the gunshots came from?

01:53:48 21 A No.

01:53:48 22 Q You didn't see a muzzle flash on a gun?

01:53:51 23 A No. It's daylight.

01:53:52 24 Q You didn't see the person who was shooting?

01:53:55 25 A No. All I heard, the back got hit, too, on the

01:54:00 1 side, the left passenger back side, and I  
01:54:03 2 ducked down when that hit; and then when I put  
01:54:07 3 my head back up, Chris was -- had his head down  
01:54:09 4 and we were driving already in the street.

01:54:13 5 Q Let's go to Exhibit 46 and walk through some of  
01:54:18 6 this information. So on page 3 I'm looking at  
01:54:28 7 the second paragraph, and I'm starting at the  
01:54:34 8 third sentence, which is the third line down,  
01:54:36 9 okay? It says "Juarez-Nieves stated upon  
01:54:40 10 leaving the parking lot, he observed  
01:54:42 11 fully-marked police patrol cars."

01:54:44 12 I read that to mean that as you're  
01:54:47 13 leaving the parking lot, you see them, but  
01:54:51 14 maybe what that means is kind of what you  
01:54:53 15 testified to, that you're really saying after  
01:54:56 16 you're out of the parking lot, you saw  
01:54:59 17 vehicles?

01:54:59 18 A Yeah. That's why it says "upon leaving." So  
01:55:02 19 when I turned around, that's when I seen all  
01:55:05 20 the squad cars coming in.

01:55:07 21 Q Okay. And the next sentence, it says  
01:55:11 22 "Juarez-Nieves stated he never saw law  
01:55:13 23 enforcement officers." That sounds accurate  
01:55:16 24 with what you've said today, correct?

01:55:17 25 A Correct.



01:55:18 1 Q The next sentence then says "Juarez-Nieves  
01:55:21 2 described upon leaving the parking lot, he,"  
01:55:23 3 quote, "just" -- or excuse me, "he saw,"  
01:55:28 4 quote -- excuse me. "He just," quote, "saw the  
01:55:31 5 guns," end quote.

01:55:32 6 Do you remember saying anything like  
01:55:34 7 that to the investigators?

01:55:36 8 A No.

01:55:37 9 Q As you sit here today, do you recall seeing any  
01:55:42 10 guns in the Roma's parking lot?

01:55:44 11 A There was two officers standing by the north  
01:55:49 12 side entrance. As we were leaving, I looked  
01:55:52 13 outside, because the side window was busted  
01:55:55 14 out.

01:55:57 15 Q So I want to back up a little bit.

01:56:00 16 Earlier we were talking about that  
01:56:03 17 specific time frame between when José started  
01:56:06 18 driving and the first gunshot, and you said you  
01:56:08 19 didn't see any law enforcement officers  
01:56:10 20 anywhere?

01:56:10 21 A Correct.

01:56:11 22 Q What we just read in this report, it says  
01:56:19 23 "Juarez-Nieves stated he never saw law  
01:56:22 24 enforcement officers."

01:56:24 25 A The way they asked me is different than the way

01:56:27 1 you're asking me.

01:56:27 2 Q Okay. So the way that it's written in here,  
01:56:33 3 you don't mean for that to be interpreted that  
01:56:35 4 you never ever saw law enforcement officers?

01:56:37 5 A Exactly.

01:56:38 6 Q What you're saying is you saw them -- strike  
01:56:38 7 that.

01:56:43 8 I don't want to put words in your  
01:56:45 9 mouth. When is the first time you saw law  
01:56:47 10 enforcement officers in relation to when you  
01:56:49 11 heard shooting?

01:56:49 12 A Right after we had left.

01:56:53 13 Q So is this after the shooting is finished?

01:56:56 14 A After the shooting is finished.

01:56:58 15 Q Okay. Using this blue marker, can you draw a  
01:57:12 16 square where you did see the law enforcement  
01:57:15 17 officers on foot?

01:57:17 18 A (Witness complies.)

01:57:19 19 Q And how many officers did you see standing  
01:57:22 20 there?

01:57:22 21 A Two.

01:57:23 22 Q Let's do this. Can you draw the route that  
01:57:50 23 José took with this red marker leaving Roma's.

01:57:56 24 A (Witness complies.)

01:58:03 25 MR. LAUER: You want to just put some

01:58:06 1 arrows on it, so --

01:58:07 2 MR. SPARKS: Yeah, that's a good  
01:58:09 3 idea.

01:58:14 4 THE WITNESS: (Witness complies.)

01:58:14 5 BY MR. SPARKS:

01:58:14 6 Q And for the black one, why don't you add an  
01:58:17 7 arrow going the other way showing that's the  
01:58:20 8 route you were taking to go into Roma's. You  
01:58:24 9 can just write wherever. Just add an arrow on  
01:58:29 10 there so we know.

01:58:30 11 A (Witness complies.)

01:58:30 12 MR. LAUER: Can you just put the  
01:58:32 13 little arrow marker like you did with the red?

01:58:35 14 BY MR. SPARKS:

01:58:35 15 Q Yeah, that kind of deal.

01:58:37 16 A (Witness complies.)

01:58:38 17 Q Got it.

01:58:39 18 MR. LAUER: Thank you.

01:58:39 19 BY MR. SPARKS:

01:58:43 20 Q Is this blue square that you drew on Exhibit  
01:58:47 21 47, is that the only place in the Roma's  
01:58:50 22 parking lot where you saw law enforcement  
01:58:53 23 officers at any time you were in the parking  
01:58:55 24 lot?

01:58:55 25 A Correct.

01:58:55 1 Q Okay. And you didn't see them until after the  
01:59:08 2 shooting had finished, correct?

01:59:09 3 A Correct.

01:59:10 4 Q Did you hear -- what did you hear before you  
01:59:20 5 heard shooting as Lara is driving forward?

01:59:24 6 A Nothing. We all just kind of left.

01:59:27 7 Q Did you hear --

01:59:28 8 A We had windows up and there was music on.

01:59:30 9 Q Did you hear yelling at all?

01:59:32 10 A No.

01:59:33 11 Q Let's go on page 3 again. This is the fourth  
01:59:57 12 full paragraph down, and this is the second  
02:00:06 13 sentence. "Juarez-Nieves said there was,"  
02:00:09 14 quote, "yelling," end quote, "when José drove  
02:00:12 15 off." Does that refresh your memory at all?

02:00:16 16 A No. I didn't hear any yelling coming inside  
02:00:21 17 the vehicle.

02:00:22 18 Q You're sure of that as you sit here today?

02:00:25 19 A I'm a hundred percent sure.

02:00:29 20 Q Backing up to that time frame we talked about  
02:00:35 21 earlier where Lara first starts driving and the  
02:00:38 22 first gunshot. Did José say anything in that  
02:00:43 23 10-to-20 second time frame?

02:00:46 24 A No. We just all kind of left.

02:00:49 25 Q Did Chris say anything during that time frame?

02:00:51 1 A No.

02:00:51 2 Q Did you say anything during that time frame?

02:00:56 3 A No.

02:00:57 4 Q From the time that José started driving forward

02:01:08 5 to the time of the first gunshot, did he slow

02:01:12 6 down the vehicle at all?

02:01:13 7 A He wasn't really going fast when we left.

02:01:18 8 Q I appreciate what you said. My question is

02:01:21 9 just a little different. At any time did he

02:01:24 10 slow down? Did he decrease speed?

02:01:26 11 A I don't remember.

02:01:27 12 Q You don't know one way or the other?

02:01:31 13 A No.

02:01:31 14 Q In that same time frame from when José starts

02:01:37 15 driving to the point of the first gunshot, do

02:01:42 16 you recall how Chris was positioned in his

02:01:45 17 seat?

02:01:46 18 A He was sitting forward. After the gunshot?

02:01:52 19 Q Nope, no. Up until the first gunshot. Was he

02:01:56 20 facing forward?

02:01:56 21 A Yes.

02:01:57 22 Q In other words, he wasn't turned around talking

02:01:59 23 to you or something like that?

02:02:01 24 A No.

02:02:05 25 Q So at the point you hear the first gunshot, was

02:02:09 1 that followed by other gunshots?

02:02:12 2 A Maybe one, one more.

02:02:16 3 Q Do you remember how long it was in between

02:02:21 4 those gunshots?

02:02:22 5 A It was fairly fast.

02:02:26 6 Q Like, a split second?

02:02:28 7 A Fairly fast.

02:02:31 8 Q And I think I know what you mean, but whenever

02:02:35 9 we come back and look at the transcript later,

02:02:37 10 we need to know what "fairly fast" means.

02:02:41 11 A Less than a second.

02:02:42 12 Q Less than a second, okay. Thank you.

02:02:44 13 Was the Bonneville moving the entire

02:02:46 14 time that you heard gunshots?

02:02:48 15 A Yes.

02:02:49 16 Q And do you recall where the bullets hit? I

02:02:55 17 think you talked about it a little bit earlier,

02:02:57 18 but I want to revisit it. Do you recall where

02:03:00 19 the bullets hit the Bonneville?

02:03:02 20 A Front windshield.

02:03:03 21 Q Is that both bullets?

02:03:06 22 A I know the left passenger back side window was

02:03:11 23 blown out. I don't know if a gunshot hit

02:03:16 24 there, but I know one hit the front for sure.

02:03:18 25 Q Did -- could you see Chris as you heard the

02:03:31 1 gunshots?

02:03:33 2 A We all ducked down when the first gunshot rang  
02:03:40 3 out. I don't -- I ducked down and Chris ducked  
02:03:43 4 down. My brother was still driving.

02:03:45 5 Q Can you describe how Chris ducked down in terms  
02:03:50 6 of just how his body moved whenever he ducked  
02:03:54 7 down?

02:03:54 8 A He hunched over.

02:03:56 9 Q Forward?

02:03:56 10 A Forward.

02:03:57 11 Q Was his head below the dashboard?

02:04:03 12 A I don't remember.

02:04:04 13 Q Could you see him?

02:04:07 14 A I could just see him hunched over.

02:04:09 15 Q And I assume you were hunched over, too?

02:04:12 16 A Yes.

02:04:12 17 Q Forward?

02:04:13 18 A Forward.

02:04:13 19 Q What was Chris's seat position like? Was it  
02:04:21 20 straight up, 90 degrees, was it leaned back a  
02:04:23 21 bit? Can you describe?

02:04:24 22 A Probably tilted back just a little bit.

02:04:27 23 Q Could you estimate the degrees that it was  
02:04:30 24 tilted back?

02:04:31 25 MR. CADE: Objection. Calls for

02:04:32 1 speculation. Assume facts not in evidence.  
02:04:36 2 Subject to the objection, the witness may  
02:04:37 3 answer. Go ahead.

02:04:38 4 THE WITNESS: I cannot really tell  
02:04:41 5 you a certain degree.

02:04:42 6 BY MR. SPARKS:

02:04:42 7 Q Do you have a belief as to which gunshot was  
02:04:47 8 the one that had the bullet that hit Chris?

02:04:50 9 A The first one.

02:04:51 10 Q And what makes you say that?

02:04:53 11 A Because that's when we all hunched down, and  
02:04:56 12 when I came back up, that's when the second one  
02:04:58 13 hit right after, and Chris was still hunched  
02:05:01 14 over.

02:05:09 15 Q So you hear the first gunshot, you all kind of  
02:05:11 16 duck. Did you all start to sit back up before  
02:05:19 17 the second shot?

02:05:20 18 A I sat back up.

02:05:21 19 Q Okay. You sat back up before you heard the  
02:05:25 20 second shot?

02:05:26 21 A I kind of threw my head down when the gun --  
02:05:29 22 when the first gunshot rang out. I looked up  
02:05:32 23 again, and that's when the second one rang out.

02:05:35 24 Q And when you looked up was Chris slumped over,  
02:05:39 25 like you said, before you heard the second



02:05:41 1 shot?

02:05:41 2 A Yes.

02:05:42 3 Q Did you see blood on him?

02:05:45 4 A At first, no.

02:05:50 5 Q At the time you heard the second shot, did you  
02:05:56 6 see anything strike him? And by "him," I mean  
02:06:00 7 Chris.

02:06:01 8 A No. I can't see a moving bullet.

02:06:03 9 Q Yeah, and that's a good point. That was a bad  
02:06:06 10 question.

02:06:06 11 Did Chris's body react in a way that  
02:06:09 12 made it look like he got hit by a bullet?

02:06:12 13 A No.

02:06:16 14 Q So it's your belief that that first bullet that  
02:06:19 15 came through the windshield is the one that  
02:06:21 16 struck Chris?

02:06:21 17 A Correct.

02:06:22 18 Q At some point, as you said, the Bonneville  
02:06:46 19 makes it onto that road where you've drawn the  
02:06:49 20 red and black lines, correct?

02:06:51 21 A Correct.

02:06:52 22 Q How much time passes from the moment that you  
02:06:59 23 hear the first gunshot to the moment the  
02:07:01 24 Bonneville hits that road where the red -- the  
02:07:06 25 red line is?

02:07:07 1 MR. LAUER: Would you mind just  
02:07:08 2 reading that back? I lost the question.  
02:07:23 3 (Whereupon, the requested portion was  
02:07:25 4 read.)

02:07:25 5 THE WITNESS: Ten seconds.

02:07:27 6 BY MR. SPARKS:

02:07:27 7 Q So if I'm doing the math, is it your  
02:07:33 8 recollection that from the time that Lara first  
02:07:39 9 puts the vehicle in gear and starts driving  
02:07:41 10 forward to the time the Bonneville hits the  
02:07:46 11 road next to Roma's is between 20 and 30  
02:07:50 12 seconds?

02:07:51 13 A Roughly, yes.

02:08:02 14 Q Back to the interview on page 3. In the fourth  
02:08:12 15 full paragraph, and this is six lines down, the  
02:08:22 16 first full sentence six lines down. It says  
02:08:25 17 "Juarez-Nieves stated he assumed the officer  
02:08:28 18 came from or was on the left side of their  
02:08:31 19 automobile." Is that referencing the shooting  
02:08:38 20 officer?

02:08:38 21 A Yes.

02:08:39 22 Q Okay. And then it says "Juarez-Nieves stated  
02:08:45 23 the officer was running toward the vehicle when  
02:08:47 24 the shot happened."

02:08:52 25 It's my understanding, based on how

02:08:54 1 you've testified today, that you didn't see any  
02:08:57 2 law enforcement officers on foot until the  
02:08:59 3 gunshots ended?

02:09:00 4 A Yeah, until we were already hitting the street.

02:09:02 5 Q So is this statement that "Juarez-Nieves stated  
02:09:06 6 the officer was running towards the vehicle  
02:09:08 7 when the shot happened," is that just a  
02:09:10 8 misstatement?

02:09:11 9 A Most likely.

02:09:12 10 Q Okay. They mis- -- "they" being the  
02:09:18 11 investigators -- misunderstood what you're  
02:09:20 12 telling them?

02:09:20 13 A Yes. You're asking questions differently than  
02:09:23 14 the way they asked.

02:09:25 15 Q Yep.

02:09:26 16 A And the officer's running after we were  
02:09:28 17 still -- when we were driving off, the officers  
02:09:30 18 were still running. One was running toward the  
02:09:34 19 vehicle. The other one was jumping inside the  
02:09:36 20 car. Like I said, I seen them when we were  
02:09:39 21 leaving already.

02:09:39 22 Q Right. After the shooting had stopped,  
02:09:41 23 correct?

02:09:41 24 A Yes.

02:09:42 25 Q You didn't see any officers running and

02:09:43 1 shooting, correct?

02:09:45 2 A No.

02:09:45 3 Q Is my statement correct?

02:09:46 4 A Yes.

02:09:54 5 Q Did José have his lights on as he was driving

02:09:58 6 forward before you heard gunshots?

02:10:01 7 A I cannot tell you. I don't know.

02:10:03 8 Q Were the -- do you know, do you remember if

02:10:07 9 there were parking lot lights at Roma's?

02:10:10 10 A There were, but --

02:10:11 11 Q Do you remember if they were on as Lara is

02:10:15 12 driving but before you hear gunshots?

02:10:17 13 A I don't know. It was still fairly daylight

02:10:21 14 outside.

02:10:23 15 Q Is this, like, early evening type of lighting?

02:10:27 16 A Yep.

02:10:28 17 Q Can you estimate how far the Bonneville was

02:10:48 18 from those officers you saw on foot at the

02:10:51 19 first time you saw the officers?

02:10:54 20 A I can't estimate any amount of footage.

02:10:58 21 Q You're moving and they're moving at the same

02:11:00 22 time?

02:11:00 23 A Yes.

02:11:00 24 Q And presumably, you're moving away from one

02:11:04 25 another, is that --

02:11:04 1 A Correct.

02:11:06 2 Q Had the officers holstered their weapons by the  
02:11:22 3 time you saw them for the first time?

02:11:24 4 MR. LAUER: I'll just object that it  
02:11:26 5 assumes that both officers --

02:11:30 6 MR. SPARKS: That's fair.

02:11:30 7 MR. LAUER: -- had guns drawn when he  
02:11:32 8 saw them.

02:11:32 9 MR. SPARKS: I'll rephrase that.

02:11:34 10 BY MR. SPARKS:

02:11:34 11 Q Did you see any officers with their weapons  
02:11:37 12 drawn at any time in the Roma's parking lot?

02:11:39 13 A One.

02:11:39 14 Q One?

02:11:40 15 A Correct.

02:11:42 16 Q And was that the officer in that blue square  
02:11:47 17 that we've been talking about before?

02:11:48 18 A Correct.

02:11:48 19 Q Was his weapon holstered by the time you saw  
02:11:52 20 him?

02:11:52 21 A No.

02:11:53 22 Q He still had it in his hand?

02:11:55 23 A Yes.

02:11:55 24 Q But he wasn't firing, correct?

02:11:59 25 A Correct.

02:12:00 1 Q I'm sorry. Backing up to that fourth full  
02:12:18 2 paragraph on page 3 of the report which we read  
02:12:21 3 already. It says "Juarez-Nieves stated he  
02:12:24 4 assumed the officer came from or was on the  
02:12:27 5 left side of their automobile."

02:12:29 6 What were you basing that assumption  
02:12:33 7 on?

02:12:33 8 A Chris got shot in the left side of his head.  
02:12:37 9 If the officer was -- if my brother were to try  
02:12:41 10 to run over the officer, he would have shot  
02:12:43 11 forward to somebody's body, not went away from  
02:12:46 12 somebody's face.

02:12:50 13 Q But it's your belief that the bullet that  
02:12:52 14 struck Chris was the one that went through the  
02:12:54 15 windshield, correct?

02:12:55 16 A Correct.

02:12:56 17 Q On the front of the car?

02:12:57 18 A Correct.

02:12:58 19 Q Okay. And so going back, your assumption from  
02:13:14 20 that statement in the report as to where the  
02:13:18 21 officer came from, that was based on the wound  
02:13:21 22 that you saw on Chris's head, correct?

02:13:24 23 A Correct.

02:13:25 24 Q We kind of touched on this but from the time  
02:13:36 25 that you first saw officers on foot in that

02:13:40 1 blue square, you didn't hear any gunshots after  
02:13:44 2 that, correct?

02:13:45 3 A Correct.

02:13:45 4 Q The only time you heard gunshots are the two  
02:13:50 5 shots we've talked about already?

02:13:51 6 A Correct.

02:13:52 7 Q And whenever I say "the only time you heard  
02:13:55 8 gunshots," I'm talking about in relation to  
02:13:57 9 this incident in the Roma's parking lot.

02:13:59 10 A Correct.

02:13:59 11 Q So when the Bonneville hits this road next to  
02:14:15 12 Roma's where you've drawn the red line as it's  
02:14:20 13 leaving, can you describe what happened next?

02:14:22 14 A There was a bunch of cops behind us, and my  
02:14:26 15 brother was just trying to get back on the  
02:14:28 16 freeway.

02:14:29 17 Q Were you saying anything at that time?

02:14:34 18 A I grabbed Chris, and I seen that Chris had the  
02:14:37 19 wound in his head, so I grabbed water, a bottle  
02:14:40 20 of water that I had, and I tried to stop his --  
02:14:43 21 the blood and poured water over his face. I  
02:14:46 22 was trying to -- and I had my phone. I was  
02:14:48 23 trying to find a hospital.

02:14:50 24 Q Was your brother saying anything at that time?

02:14:52 25 A Said he didn't want to go to jail.

02:14:57 1 Q Do you have any idea how many squad cars were  
02:14:59 2 behind you?  
02:15:00 3 A No. There was a lot.  
02:15:02 4 Q Did you tell your brother to pull over?  
02:15:08 5 A Not right away.  
02:15:10 6 Q At some point did you tell him to pull over?  
02:15:15 7 A Yes, I did.  
02:15:16 8 Q Can you estimate how much time passed from when  
02:15:19 9 you leave Roma's to when you tell your brother  
02:15:21 10 to pull over?  
02:15:23 11 A Maybe five minutes.  
02:15:27 12 Q During that five minutes was that a high-speed  
02:15:32 13 chase?  
02:15:32 14 A Yes.  
02:15:33 15 Q 80 to 90 miles an hour?  
02:15:35 16 A I cannot speculate on the speed.  
02:15:36 17 Q Were you focused on Chris pretty much that  
02:15:39 18 whole time?  
02:15:39 19 A The entire time.  
02:15:40 20 Q Can you describe generally what happened during  
02:15:44 21 that five minutes from when you leave Roma's to  
02:15:47 22 when you first tell José to pull over?  
02:15:51 23 A He wasn't breathing at all. That's why I tried  
02:15:56 24 to pour water over his face, trying to get him  
02:16:00 25 to breathe, trying to get him to talk, but he



02:16:03 1 wouldn't.

02:16:03 2 Q And you said you were looking up hospitals?

02:16:05 3 A Yes.

02:16:05 4 Q Was that happening during that time, too?

02:16:07 5 A Correct.

02:16:07 6 Q Did you call anybody during that time?

02:16:09 7 A I called my cousin, and I called my girlfriend.

02:16:12 8 Q And when you say you called your cousin, you're

02:16:15 9 talking about the cousin who was dating Chris

02:16:17 10 at the time?

02:16:17 11 A Correct.

02:16:18 12 Q Were you able to get ahold of her?

02:16:20 13 A Yes.

02:16:21 14 Q Did you speak to her?

02:16:22 15 A Yes.

02:16:22 16 Q Do you remember what was said in that

02:16:23 17 conversation?

02:16:24 18 A Told her the cops shot Chris and so we're in a

02:16:28 19 high-speed chase.

02:16:29 20 Q What did she say to you?

02:16:31 21 A She was just hysterical asking what happened,

02:16:33 22 and I hung up.

02:16:35 23 Q And then did you call your girlfriend after

02:16:38 24 that?

02:16:38 25 A I called my aunt and I called my girlfriend.

02:16:41 1 Q Who did you call --

02:16:43 2 A My aunt kept on calling me asking about what

02:16:45 3 was happening.

02:16:46 4 Q Was your cousin with your aunt?

02:16:48 5 A I believe so.

02:16:50 6 Q You might not know one way or the other?

02:16:53 7 A No.

02:16:53 8 Q But apparently, they communicated?

02:16:55 9 A Yes.

02:16:55 10 Q And so your aunt's calling you?

02:16:57 11 A Um-hm, yes.

02:17:00 12 Q And how many times did you speak to your aunt

02:17:02 13 during that time period?

02:17:03 14 A I don't remember.

02:17:04 15 Q Do you remember generally what was said between

02:17:09 16 you and your aunt during that?

02:17:10 17 A She's just asking what happened.

02:17:12 18 Q Did you tell her the same thing you told your

02:17:14 19 cousin?

02:17:15 20 A Yes.

02:17:16 21 Q During that time period before you tell José to

02:17:22 22 pull over, at any time did you tell him to find

02:17:24 23 a hospital?

02:17:25 24 A I was looking for the hospital myself, and he

02:17:27 25 was trying to look for the signs to lead to a

02:17:30 1 hospital.

02:17:32 2 Q Up to the time when he -- when you tell him to

02:17:40 3 pull over, what was happening at that time?

02:17:41 4 A We were still being chased by the police.

02:17:45 5 Q Still on the interstate?

02:17:46 6 A Yes.

02:17:48 7 Q At some point you leave the interstate,

02:17:50 8 correct?

02:17:50 9 A Yes.

02:17:52 10 Q Can you describe what happened next?

02:17:54 11 A Probably a minute after we got off the freeway,

02:18:01 12 we got rear-ended by the cop. The car shut

02:18:06 13 off, I believe, and that's when the cop

02:18:07 14 rear-ended us, and we spun out.

02:18:10 15 Q Were you in kind of a residential area at that

02:18:12 16 time?

02:18:12 17 A Yes.

02:18:13 18 Q How long was that after you told José to pull

02:18:21 19 over the first time?

02:18:22 20 A Probably two minutes.

02:18:24 21 Q Okay. Do you know why he left the interstate?

02:18:29 22 A No.

02:18:29 23 Q He didn't tell you what he was doing?

02:18:31 24 A No.

02:18:31 25 Q He was just driving?

02:18:34 1 A Just driving.

02:18:35 2 Q When you crash, what happens after that?

02:18:40 3 A My brother jumped out of the vehicle and ran,

02:18:43 4 and I jumped out of the vehicle and ran. I

02:18:46 5 don't know what happened to him. I just kept

02:18:48 6 on running.

02:18:48 7 Q And where did you go?

02:18:50 8 A I don't know. I just ran, and I hid in a tree.

02:18:54 9 Q Was it in a yard or some woods or something or

02:18:57 10 do you know one way or the other?

02:18:59 11 A No. There was a whole bunch of pine trees. I

02:19:02 12 ran through some backyards. That's about it.

02:19:04 13 Q Gotcha. At that point was it dark outside?

02:19:08 14 A It was starting to get darker, yes.

02:19:10 15 Q And that's probably, like, seven minutes after

02:19:16 16 the shooting, right?

02:19:18 17 A Yeah.

02:19:18 18 Q So you're hiding in a tree. How long were you

02:19:27 19 hiding in the tree?

02:19:28 20 A Probably, like, two hours.

02:19:29 21 Q And was law enforcement looking for you during

02:19:31 22 that time?

02:19:31 23 A Yes.

02:19:31 24 Q And eventually, you got down?

02:19:33 25 A Yes.

02:19:34 1 Q And they apprehended you?

02:19:36 2 A Yes.

02:19:37 3 Q Do you know what happened to your brother?

02:19:41 4 A No. I know when I came down, they asked me

02:19:45 5 where was the girl and where was the gun.

02:19:48 6 Q Do you know what they were talking about with

02:19:50 7 the girl?

02:19:51 8 A No. I have long hair, so I assume that they

02:19:54 9 probably thought it was me; but they asked me

02:19:56 10 about a gun, and there was never a gun.

02:19:58 11 Q Okay. And you're at Oak Hill now as a result

02:20:10 12 of the criminal matter in relation to this

02:20:12 13 incident, correct?

02:20:13 14 A Correct. I was at a correctional center before

02:20:18 15 this.

02:20:18 16 Q Where were you at before this?

02:20:19 17 A Thompson Correctional Center.

02:20:22 18 Q And what did you plead to in this case?

02:20:25 19 A Not guilty.

02:20:28 20 Q You pled not guilty --

02:20:30 21 A In my criminal case?

02:20:32 22 Q Correct.

02:20:34 23 A I pled guilty.

02:20:35 24 Q You pled guilty?

02:20:36 25 A Correct.

02:20:37 1 Q What crime did you plead guilty to?

02:20:38 2 A Conspiracy to manufacture and deliver cocaine.

02:21:09 3 Q You don't know how long the officers on foot

02:21:20 4 that you identified with the blue square were

02:21:22 5 in the parking lot, correct?

02:21:24 6 A Correct.

02:21:24 7 Q And if there were any squad cars in the Roma's

02:21:29 8 parking lot, you don't know how long they had

02:21:31 9 been there, right?

02:21:32 10 A Correct.

02:21:32 11 Q And you don't know where the officers on foot

02:21:38 12 were before they came to be in the position of

02:21:44 13 the blue square, correct?

02:21:45 14 A Correct, because I didn't see any.

02:21:48 15 Q Right.

02:21:58 16 MR. SPARKS: I think that's all I've

02:22:00 17 got for now. I'm going to look over my notes,

02:22:03 18 but I'll pass the witness. Appreciate it.

02:22:05 19 MS. THOMPSON: I'm good.

02:22:07 20 MR. LAUER: Off the record.

02:22:08 21 (Discussion held off the record.)

02:22:45 22 MR. LAUER: Mr. Juarez, I introduced

02:22:48 23 myself off the record, but my name is Robert

02:22:51 24 Lauer, and I represent a number of police

02:22:53 25 officers from the Village of East Troy as well

02:22:56 1 as the Village itself in this lawsuit. I'm  
02:22:59 2 going to ask you some questions as well.

02:22:58 3 EXAMINATION

02:22:58 4 BY MR. LAUER:

02:23:03 5 Q Same rules apply that if you don't understand  
02:23:05 6 the question, tell me that, and I'll try and  
02:23:07 7 straighten it out, okay?

02:23:08 8 A Okay.

02:23:09 9 Q All right. Prior to today, have you had  
02:23:19 10 contact with any lawyer that's involved in the  
02:23:23 11 civil case?

02:23:24 12 A No.

02:23:24 13 Q The one that brings us together here today?

02:23:26 14 A No.

02:23:27 15 Q This gentleman to your right is Mr. Cade, who  
02:23:30 16 represents the estate of Mr. Davis. Have you  
02:23:34 17 ever talked to Mr. Cade about this case before?

02:23:36 18 A No. I sent him a letter, and I got a  
02:23:41 19 correspondence back, but that's about it.

02:23:44 20 Q What was the letter about?

02:23:45 21 A Pertaining to this matter about, I would say,  
02:23:48 22 roughly in January, I believe.

02:23:50 23 Q January of '19?

02:23:52 24 A About a case, this case, about going to court;  
02:23:56 25 that I was being -- I was part of the

02:23:58 1 investigation.

02:24:00 2 Q And what did the letter to you say; do you  
02:24:04 3 recall?

02:24:04 4 A I can't tell you really what it was.

02:24:06 5 Q What did your response say?

02:24:09 6 A I received the letter saying I was late to  
02:24:13 7 write to about -- that I had gotten a  
02:24:15 8 correspondence, or I'm not really sure. I  
02:24:19 9 don't remember exactly what it said.

02:24:20 10 MR. LAUER: Was it related to the  
02:24:22 11 default?

02:24:23 12 MR. CADE: It was a default.

02:24:24 13 THE WITNESS: There you go, that's  
02:24:25 14 what it was.

02:24:26 15 BY MR. LAUER:

02:24:26 16 Q Are you aware of the fact that a default  
02:24:28 17 judgment has been taken against you in this  
02:24:30 18 case?

02:24:30 19 A Afterwards, after I wrote to him, he wrote back  
02:24:33 20 saying that it was a default judgment.

02:24:34 21 Q Other than that have you had any contact with  
02:24:36 22 Mr. Cade or his office regarding this matter?

02:24:38 23 A No.

02:24:38 24 Q How about the Davis family?

02:24:39 25 A No.



02:24:40 1 Q You were sentenced not too long ago, correct?

02:24:44 2 A Correct.

02:24:44 3 Q Did you speak to the Davis family at the

02:24:48 4 sentencing?

02:24:49 5 A No. I gave a statement and they gave a

02:24:51 6 statement.

02:24:52 7 Q And the statement that you gave, how long did

02:24:54 8 that take?

02:24:55 9 A To say my statement?

02:24:59 10 Q Yes, sir.

02:25:01 11 A I don't know.

02:25:01 12 Q Do you remember what you said?

02:25:02 13 A Not verbatim.

02:25:04 14 Q Just generally speaking.

02:25:05 15 A Yeah.

02:25:05 16 Q What did you say?

02:25:07 17 A I apologized for what happened; that Chris

02:25:12 18 didn't deserve what happened to him.

02:25:19 19 Q Your date of birth is [REDACTED]?

02:25:22 20 A Correct.

02:25:22 21 Q What is the extent of your education?

02:25:26 22 A I have a HSED.

02:25:29 23 Q So the equivalency degree?

02:25:32 24 A High school equivalency diploma.

02:25:36 25 Q Are you from the Milwaukee area originally?

02:25:39 1 A Born in Chicago, raised in Milwaukee.

02:25:41 2 Q When did you get to Milwaukee, roughly?

02:25:43 3 A Probably nine.

02:25:45 4 Q Before this incident had you ever had any kind

02:25:49 5 of contact with any officer from the Village of

02:25:53 6 East Troy?

02:25:53 7 A No.

02:25:54 8 Q How about from the Town of East Troy?

02:25:55 9 A No.

02:25:56 10 Q How about from the Walworth County Sheriff's

02:26:01 11 Department?

02:26:01 12 A No.

02:26:01 13 Q Do you know the name Price, Hackett,

02:26:06 14 Swendrowski as officers with the Village of

02:26:11 15 East Troy? Did you know that prior to this

02:26:12 16 matter?

02:26:13 17 A No.

02:26:13 18 Q We've been referring to -- actually, he's

02:26:32 19 somebody who's mentioned in what is Exhibit 46.

02:26:37 20 We call him the confidential informant. Do you

02:26:40 21 know his name?

02:26:41 22 A Yes.

02:26:41 23 Q What is it?

02:26:41 24 (The following answer is Attorneys' eyes only.)

02:26:41 25 A [REDACTED].

02:26:43 1 MR. LAUER: And for the record, we  
02:26:45 2 have an order entered in this case to protect  
02:26:49 3 the information related to the confidential  
02:26:53 4 informant, and while I'm thinking of it, I'll  
02:26:56 5 assert that application of that confidential  
02:26:59 6 protective order, that anything related to the  
02:27:01 7 confidential informant testimony or depositions  
02:27:06 8 be attorneys' eyes only.

02:27:08 9 BY MR. LAUER:

02:27:09 10 Q You mentioned earlier that you had known him  
02:27:12 11 from being together in jail?

02:27:15 12 A Correct.

02:27:15 13 Q Where was that?

02:27:16 14 A Waukesha.

02:27:17 15 Q During what year?

02:27:22 16 A 2014, 2013.

02:27:24 17 Q Incidentally, I see you're wearing glasses  
02:27:29 18 today. Were you wearing glasses on February  
02:27:32 19 24, 2016?

02:27:33 20 A No.

02:27:33 21 Q Do you need glasses to see things close up or  
02:27:37 22 far away?

02:27:38 23 A Both.

02:27:39 24 Q Did you have a prescription for glasses back in  
02:27:42 25 February of '16?

02:27:44 1 A No.

02:27:45 2 Q How was your eyesight in February of '16?

02:27:49 3 A Fair.

02:27:49 4 Q How soon did you get the glasses after February

02:27:52 5 of '16?

02:27:53 6 A About a year.

02:27:59 7 Q Do you think there was any problem with your

02:28:03 8 recollection of the events based upon your

02:28:06 9 vision at the time of this incident as you sit

02:28:09 10 here and answer questions today?

02:28:11 11 A No.

02:28:11 12 Q Just I want to get a little bit more background

02:28:24 13 information. You mentioned that you and

02:28:28 14 Mr. Lara have the same mother, correct?

02:28:30 15 A Correct.

02:28:30 16 Q What is her name?

02:28:32 17 A Provitencia, P-R-O-V-I-T-E-N-C-I-A.

02:28:37 18 Q Is that her first name or last name?

02:28:39 19 A First name.

02:28:40 20 Q What is her last name?

02:28:41 21 A N-I-E-V-E-S.

02:28:44 22 Q And where does she live?

02:28:45 23 A Puerto Rico.

02:28:47 24 Q Was she living in the Milwaukee area at the

02:28:52 25 time of this incident?

02:28:57 1 A No.

02:28:58 2 Q I'm going to be jumping around a little bit  
02:29:05 3 because I was taking notes, and this may be a  
02:29:08 4 little bit out of order.

02:29:11 5 You had told Mr. Sparks that  
02:29:16 6 everybody in the car on the day of the  
02:29:20 7 accident -- the incident -- before you got to  
02:29:21 8 Roma's knew that there was going to be a drug  
02:29:24 9 deal, true?

02:29:25 10 A True.

02:29:25 11 Q And you said that you asked your brother to  
02:29:30 12 find some cocaine, and he and Mr. Davis went  
02:29:35 13 off to do that, correct?

02:29:36 14 A Correct.

02:29:37 15 Q Why didn't you go with them?

02:29:39 16 A I was painting.

02:29:40 17 Q And do you know where they got the cocaine?

02:29:44 18 A Not where they went exactly but from the  
02:29:47 19 person.

02:29:47 20 Q Who is the person that sold them or gave them  
02:29:49 21 the cocaine?

02:29:50 22 A My brother's friend Paul.

02:29:52 23 Q Do you know Paul's last name?

02:29:54 24 A Richardson.

02:29:55 25 Q Is he in the Milwaukee area?

02:29:58 1 A Yes.

02:29:58 2 Q Did they have to pay for the cocaine when they  
02:30:06 3 picked it up?

02:30:07 4 A I don't know how he got it.

02:30:08 5 Q How much cocaine did they get?

02:30:11 6 A A little over a quarter ounce.

02:30:11 7 (The following question is Attorneys' eyes  
02:30:14 8 only.)

02:30:14 9 Q And what was an agreed-upon price to the  
02:30:20 10 confidential informant, [REDACTED], with respect  
02:30:23 11 to that sale?

02:30:25 12 A \$900.

02:30:26 13 Q You said that when the decision was made to  
02:30:38 14 proceed with the drug deal, the three of you  
02:30:40 15 were together in a room talking about it. Do  
02:30:44 16 you remember that?

02:30:45 17 A Yes.

02:30:45 18 Q All right. Was that a room at your aunt's  
02:30:47 19 house?

02:30:48 20 A It was a room at my grandmother's house.

02:30:50 21 Q So tell me, you were painting at your  
02:30:53 22 grandmother's?

02:30:54 23 A I was painting my aunt's house.

02:30:56 24 Q Got it. But then you had moved to your  
02:30:58 25 grandmother's home to talk about this?

02:31:00 1 A We -- I had taken a break, and we went to the  
02:31:02 2 house.

02:31:02 3 (The following question is Attorneys' eyes  
02:31:02 4 only.)

02:31:02 5 Q Okay. And in terms of drug deals with  
02:31:16 6 [REDACTED] before, you thought there was, I  
02:31:21 7 think you mentioned, at least one, correct?

02:31:23 8 A Correct.

02:31:23 9 Q When was that in relation to the incident?

02:31:26 10 A What do you mean?

02:31:29 11 Q We know this happened on February 24 of '16.

02:31:33 12 A It was before then.

02:31:34 13 Q Yeah, I know, but was it a month? Was it a  
02:31:36 14 year?

02:31:37 15 A Probably a month or two.

02:31:39 16 Q And what was the drug?

02:31:40 17 A Cocaine.

02:31:41 18 Q How much?

02:31:42 19 A Like, a gram.

02:31:44 20 Q Was the -- and I'll refer to him as the CI,  
02:31:50 21 confidential informant, okay? You understand  
02:31:52 22 that?

02:31:52 23 A Yes.

02:31:53 24 Q Was that somebody that you would socialize with  
02:31:56 25 prior to the incident?

02:31:57 1 A I knew him from jail. We talked.

02:32:01 2 Q Yeah, but would you go out together?

02:32:02 3 A No.

02:32:03 4 Q But you kept in contact by phone and by text?

02:32:05 5 A Correct.

02:32:11 6 Q When you're traveling from your aunt's house to

02:32:22 7 East Troy, was there discussion in the car

02:32:26 8 about the drug deal?

02:32:28 9 A No.

02:32:29 10 Q So there was no talk about who the buyer was,

02:32:34 11 how much it was going to cost, anything like

02:32:36 12 that?

02:32:36 13 A No.

02:32:37 14 Q How was the -- how was the cocaine contained;

02:32:46 15 was it in an envelope, a jar? How was it?

02:32:50 16 A I got convicted of conspiracy to manufacture

02:32:55 17 and deliver cocaine, so I'm not going to answer

02:32:57 18 that.

02:32:57 19 Q Okay. Can you tell me how big a quarter ounce

02:33:01 20 is?

02:33:01 21 A Seven grams.

02:33:04 22 Q What happened to the cocaine?

02:33:05 23 A Like I said, I got charged with conspiracy to

02:33:08 24 manufacture and deliver.

02:33:09 25 Q Already. But you've already pled guilty to



02:33:12 1 that, right?

02:33:13 2 A I understand that.

02:33:14 3 MR. CADE: What he's saying is he  
02:33:14 4 doesn't want to plead to another crime or be  
02:33:17 5 involved.

02:33:17 6 THE WITNESS: Exactly.

02:33:22 7 BY MR. LAUER:

02:33:22 8 Q Okay. Let me ask you this: Do you have  
02:33:25 9 knowledge that the cocaine -- strike that.

02:33:27 10 The cocaine that you and the others  
02:33:29 11 brought to East Troy was in the car before you  
02:33:31 12 left the parking lot, true?

02:33:33 13 A I believe so.

02:33:34 14 Q And at the time you were stopped, was the  
02:33:38 15 cocaine still in the car?

02:33:40 16 A Stopped where?

02:33:41 17 Q Stopped before you were apprehended. The car  
02:33:45 18 came to a stop with police action, right?

02:33:48 19 A I don't know what happened to the cocaine.

02:33:51 20 Q Did you see anybody throw the cocaine out the  
02:33:53 21 window?

02:33:53 22 A No.

02:33:54 23 Q So you're not sure where that went?

02:33:56 24 A No.

02:33:56 25 Q You agree with my statement?

02:33:57 1 A Sure.

02:33:57 2 Q Okay. You mentioned that you had used coke

02:34:10 3 earlier in the day before. Was it before you

02:34:15 4 left your aunt's?

02:34:17 5 A Yes.

02:34:17 6 Q All right. Were you high at the time that you

02:34:21 7 left your aunt's?

02:34:23 8 A Probably.

02:34:30 9 Q Did you know whether Chris Davis was a drug

02:34:34 10 user prior to this incident?

02:34:36 11 A I know he's smoked weed once in a while, but he

02:34:42 12 wasn't a heavy drug user.

02:34:44 13 Q Was there any drug use going on inside the car

02:34:46 14 between leaving your aunt's and arriving at

02:34:49 15 Roma's?

02:34:50 16 A No.

02:34:50 17 Q What was going on during that length of that

02:34:58 18 trip?

02:34:58 19 A Listening to music.

02:35:00 20 Q Was anybody drinking anything?

02:35:02 21 A No.

02:35:03 22 Q Eating anything?

02:35:05 23 A No.

02:35:05 24 Q Were you talking to each other?

02:35:07 25 A I just told you we were listening to music.

02:35:07 1 (The following question is Attorneys' eyes  
02:35:10 2 only.)

02:35:10 3 Q So let's talk about the contact with [REDACTED],  
02:35:33 4 the CI. Who initiated the contact about the  
02:35:37 5 drug deal?

02:35:37 6 A I believe he did.

02:35:38 7 Q And was that by a call or text?

02:35:43 8 A Text.

02:35:44 9 Q Do you have a recollection of when that would  
02:35:46 10 have been?

02:35:46 11 A Early in the afternoon.

02:35:50 12 Q Have you ever seen any part of the DCI  
02:35:56 13 investigation, the investigation in this matter  
02:36:00 14 by the division of the Justice Department?

02:36:05 15 A No.

02:36:06 16 Q And I think you said you hadn't seen your own  
02:36:08 17 statement given to DCI investigators until we  
02:36:11 18 were going through it today, true?

02:36:12 19 A Correct.

02:36:13 20 Q Tell me what the conversation was between you  
02:36:21 21 and the CI about the drug purchase.

02:36:26 22 A He wanted to know if I could find some cocaine  
02:36:29 23 for him. I told him I would ask. I'll see --  
02:36:32 24 I never -- any time I sold anything to him, I  
02:36:35 25 never had it on me. I wasn't really a drug

02:36:38 1 dealer, I was just the middleman, sort of,  
02:36:41 2 getting it.

02:36:42 3 And he asked me, and that's when my  
02:36:44 4 brother and Chris, it was more of a coincidence  
02:36:47 5 that they showed up, and I asked my brother.

02:36:51 6 Q Had your brother, Mr. Lara, been involved in  
02:36:56 7 drug deals before?

02:36:57 8 A I don't know what he did.

02:37:02 9 Q And do you have any understanding of whether  
02:37:04 10 Mr. Davis had been involved in drug deals  
02:37:06 11 before, either buying or selling?

02:37:08 12 A I can only answer it for myself.

02:37:11 13 Q Okay. Fair to say that you had been involved  
02:37:15 14 in selling drugs previously? At least on one  
02:37:17 15 occasion, right?

02:37:18 16 A Yes.

02:37:18 17 Q Okay. And that would be to the CI?

02:37:20 18 A Yes.

02:37:21 19 Q So tell me what you recall before the decision  
02:37:26 20 is made about the request. What was said about  
02:37:31 21 the type of drug, how much? What do you  
02:37:33 22 remember about that?

02:37:34 23 A I just told you. It was the guy asked for  
02:37:38 24 cocaine, and that's what was -- I was asked to  
02:37:41 25 get.

02:37:41 1 Q Yeah, but was there a discussion about how much  
02:37:43 2 to get?

02:37:45 3 A Yeah. I told you previously, about roughly a  
02:37:48 4 quarter ounce, a half ounce.

02:37:51 5 Q Is that what he asked for?

02:37:54 6 A Yes.

02:37:54 7 Q And then what did you say when he made the  
02:37:57 8 initial ask?

02:37:57 9 A I said I would ask around.

02:37:59 10 Q And then there was a contact by you back to him  
02:38:02 11 saying you were successful or you found some?

02:38:05 12 A Not in those words, but yes.

02:38:07 13 Q Yeah. Well, tell me what you said. I just  
02:38:09 14 want to break down that process. What  
02:38:12 15 happened?

02:38:12 16 A I told him, I was, like, "Hey, I can get you  
02:38:16 17 something." I don't remember exactly the words  
02:38:18 18 of the text message. This happened almost four  
02:38:23 19 years ago.

02:38:23 20 Q And then what happens next with respect to  
02:38:25 21 proceeding?

02:38:26 22 A My brother and Chris went to go get the drugs.

02:38:29 23 Q Right. Did you tell the CI that you were able  
02:38:33 24 to get it before they left -- because they had  
02:38:36 25 already made a call -- or did you wait until

02:38:39 1 after they came back?

02:38:40 2 A They had already made their call, and I tell

02:38:44 3 him that, "Hey, I can get that for you."

02:38:47 4 Q And then what happens next? What do you say to

02:38:51 5 him about where you're going to go, how long

02:38:53 6 it's going to take?

02:38:54 7 A I don't remember exactly the conversation I had

02:38:55 8 with him about any of that.

02:38:57 9 Q Can you tell me generally what you recall about

02:38:59 10 that?

02:38:59 11 A No, I can't, because I'm not going to tell you

02:39:01 12 something I don't remember.

02:39:02 13 Q What was the timing to travel from your aunt's

02:39:09 14 home to Roma's? How long did it take?

02:39:10 15 A Forty-five minutes, an hour, maybe.

02:39:13 16 Q Were there any stops in between to get food or

02:39:16 17 anything like that?

02:39:16 18 A Stopped at the gas station, put gas in the car.

02:39:19 19 That's it.

02:39:19 20 Q And what's your aunt's address?

02:39:21 21 A [REDACTED].

02:39:25 22 Q Got it, right. You told me that before.

02:39:28 23 That's city of Milwaukee?

02:39:30 24 A Correct.

02:39:30 25 Q At some point you said the location moved from

02:39:41 1 the Burger King to Roma's?

02:39:43 2 A Correct.

02:39:43 3 Q All right. And why did that happen?

02:39:46 4 A That's what he said. That's what the CI told

02:39:52 5 me to do.

02:39:52 6 Q Did he tell you why?

02:39:53 7 A No.

02:39:55 8 Q Were you already driving when that happened?

02:39:57 9 A Correct.

02:39:58 10 Q Do you know how far away from East Troy you

02:40:05 11 were when that happened?

02:40:06 12 A No, I don't.

02:40:07 13 Q Were you surprised by that?

02:40:08 14 A Kind of.

02:40:13 15 Q But in any event, the deal was still going to

02:40:17 16 go forward, you were just going to move to a

02:40:19 17 different spot?

02:40:19 18 A Correct.

02:40:20 19 Q You said you had never been to Roma's before?

02:40:24 20 A Never.

02:40:24 21 Q How were you able to find it?

02:40:25 22 A GPS.

02:40:26 23 Q On your cell phone?

02:40:27 24 A Correct.

02:40:43 25 Q On Exhibit 47 you were able to with a circle

02:40:52 1 indicate the area of where the Davis car was  
02:40:54 2 parked, and I understand your brother was  
02:40:56 3 driving, right?

02:40:57 4 A Correct.

02:40:58 5 Q Are you able to show us with a box the way that  
02:41:03 6 the front of the car was parked with any of  
02:41:06 7 those stalls?

02:41:06 8 A In the direction?

02:41:08 9 Q Yeah.

02:41:08 10 A It was facing the south lane.

02:41:12 11 Q Can you just -- I think we used a red marker  
02:41:16 12 for the location. There is a little red there.  
02:41:22 13 Can you just put a triangle in the area that  
02:41:25 14 the front of the car was facing when you pulled  
02:41:26 15 in?

02:41:26 16 A (Witness complies.)

02:41:29 17 Q Where would the back of the car -- are you  
02:41:33 18 saying it would be facing --

02:41:35 19 A The front of the car is facing the restaurant.

02:41:38 20 Q So the back of the car would be behind it?

02:41:40 21 A Yes.

02:41:40 22 Q All right. Stupid question, but --

02:41:45 23 MR. CADE: Are you going to mark  
02:41:46 24 this, now?

02:41:48 25 MR. LAUER: No.



02:41:48 1 BY MR. LAUER:

02:41:49 2 Q I'm going to just say the tip of the triangle  
02:41:51 3 is pointing toward the restaurant, and you're  
02:41:53 4 saying that's the front of the car, correct?

02:41:56 5 A Correct.

02:41:56 6 MR. CADE: If you don't mind, can you  
02:41:58 7 just sign or initial this document so we know  
02:42:00 8 it's yours?

02:42:02 9 THE WITNESS: (Witness complies.)

02:42:05 10 MR. CADE: Gracias.

02:42:15 11 BY MR. LAUER:

02:42:15 12 Q When you pulled in -- when I say "you," you're  
02:42:19 13 riding as a passenger, right?

02:42:20 14 A Correct.

02:42:20 15 Q Any discussion as you're pulling in about  
02:42:24 16 whether the CI is around in a vehicle or on  
02:42:29 17 foot?

02:42:30 18 A No. We just pulled in. I told him that I was  
02:42:34 19 there.

02:42:34 20 Q You tell him by use of your phone?

02:42:37 21 A I tried to call him and he didn't answer, so I  
02:42:39 22 texted him.

02:42:40 23 Q And do you remember if he responded?

02:42:41 24 A He didn't respond. He called probably a few  
02:42:46 25 minutes after that and said that he was on his

02:42:48 1 way and asked what kind of car I was in.

02:42:51 2 Q He asked what kind of car you were in?

02:42:53 3 A Yes, and that's when I told him.

02:42:56 4 Q Do you remember telling him the color of the

02:42:58 5 car?

02:42:58 6 A No. I just him about the Pontiac Bonneville.

02:43:01 7 Q Do you remember telling him whether you were

02:43:04 8 parked near any other cars?

02:43:07 9 A I don't remember.

02:43:07 10 Q You said that you were waiting in the car for

02:43:16 11 about five to ten minutes?

02:43:18 12 A Correct.

02:43:18 13 Q What was going on in the car during that period

02:43:21 14 of time?

02:43:22 15 A Listening to music.

02:43:23 16 Q Was there any discussion about the drug deal or

02:43:28 17 anything else?

02:43:28 18 A No.

02:43:29 19 Q So no talk? You were just listening to music?

02:43:32 20 A Correct.

02:43:32 21 Q And before your brother put the car into

02:43:41 22 reverse, as I understand your testimony, you

02:43:45 23 didn't see any squad cars in the lot, true?

02:43:48 24 A True.

02:43:48 25 Q Didn't see any police officers in the lot,

02:43:51 1 true?

02:43:52 2 A Until I left.

02:43:53 3 Q Right. I'm talking about just when -- the time  
02:43:57 4 period right before your brother puts the car  
02:43:59 5 into reverse.

02:44:00 6 A Yeah, we didn't see anything.

02:44:01 7 Q Did you hear anything being spoken or yelled to  
02:44:07 8 you and the others in the car before your  
02:44:09 9 brother put it into reverse?

02:44:11 10 A No.

02:44:11 11 Q Were the windows on the Bonneville tinted?

02:44:17 12 A I don't recall.

02:44:19 13 Q You know, you see some cars that have glass  
02:44:23 14 with various tints. I mean, was there a dark  
02:44:26 15 tint to the glass that you recall?

02:44:27 16 A No, I don't.

02:44:28 17 Q Okay. You had ridden in that car before?

02:44:31 18 A Two or three times.

02:44:32 19 Q And then you said that the reason to leave was  
02:44:37 20 because you and Mr. Lara looked at each other  
02:44:42 21 and said, "Hey, this doesn't feel right"?

02:44:45 22 A We all kind of agreed that it didn't feel  
02:44:48 23 right.

02:44:48 24 Q Did Mr. Davis also agree with that?

02:44:51 25 A I believe so.

02:44:51 1 Q Did he say anything that led you to that  
02:44:54 2 belief?

02:44:54 3 A We all just talked amongst each other saying  
02:44:57 4 that it was a weird feeling, so we all decided  
02:44:59 5 to just leave.

02:45:27 6 Q If we go back to Exhibit 47. This blue box  
02:45:32 7 near the -- did we mark that as the north  
02:45:37 8 entrance? I know we referred to it.

02:45:39 9 MR. SPARKS: No. Yeah, that might be  
02:45:41 10 a good idea, actually.

02:45:41 11 BY MR. LAUER:

02:45:42 12 Q I think we were calling the entrance that your  
02:45:45 13 vehicle used to go in and come out the north  
02:45:48 14 entrance. Do you recall that?

02:45:49 15 A Correct.

02:45:50 16 Q Okay. Can you just put an "N" that way? And  
02:45:54 17 then we'll mark the other one.

02:45:55 18 A (Witness complies.)

02:45:56 19 Q Okay. Why don't you put an "S."

02:45:59 20 A (Witness complies.)

02:45:59 21 Q Okay. For the record, you've put an "N" at the  
02:46:02 22 entrance toward the top of the exhibit and an  
02:46:05 23 "S" about toward the middle, correct?

02:46:07 24 A Correct.

02:46:13 25 Q No problems seeing things because of the

02:46:15 1 lighting outside prior to your exiting after  
02:46:18 2 hearing the shots, true?

02:46:19 3 A True.

02:46:20 4 Q When you saw, you said, two officers in the  
02:46:28 5 area of this square here that I'm pointing to,  
02:46:35 6 they were both out of vehicles, correct?

02:46:37 7 A Correct.

02:46:37 8 Q Can you tell whether one was a sheriff's deputy  
02:46:40 9 or one was an officer from any of the villages  
02:46:43 10 or the towns?

02:46:44 11 A No.

02:46:44 12 Q Are you able to describe them in terms of looks  
02:46:50 13 or race?

02:46:50 14 A No.

02:46:51 15 Q Did you see any squad when you glanced over --  
02:46:51 16 strike that.

02:47:10 17 Prior to your seeing the officers,  
02:47:12 18 you've testified you never saw any police car  
02:47:17 19 in the lot?

02:47:18 20 A Until we left.

02:47:19 21 Q Right. And as you're driving out -- and what  
02:47:21 22 was the speed as you were driving out of the  
02:47:24 23 car driven by Mr. Lara?

02:47:25 24 A I can't tell you the speed the car was.

02:47:29 25 Q Was it operating a high rate of speed?

02:47:32 1 A No.

02:47:32 2 Q Was it barely moving?

02:47:35 3 A It was moving because we were leaving, but it

02:47:37 4 wasn't a high rate of speed.

02:47:39 5 Q When you are able to see the officers, where

02:47:46 6 are you looking in order to see them as you're

02:47:48 7 leaving?

02:47:48 8 A I'm looking towards the left.

02:47:50 9 Q Because you're in the back seat, correct,

02:47:53 10 behind the right front passenger -- excuse me,

02:47:58 11 the right front passenger in the front seat?

02:48:00 12 A I was in the back seat, right side, yes.

02:48:03 13 Q So did you have to turn to your left and look

02:48:05 14 out a window?

02:48:05 15 A Yes.

02:48:06 16 Q Which window did you look out to see them?

02:48:07 17 A The left window that was blown out.

02:48:10 18 Q The left rear window?

02:48:12 19 A Yes.

02:48:13 20 Q On the driver's side?

02:48:14 21 A Correct.

02:48:15 22 Q Was the driver's side front window blown out?

02:48:26 23 A Driver's side front window?

02:48:29 24 Q Yeah.

02:48:29 25 A No. I didn't see.

02:48:31 1 Q Okay. But your recollection is that the window  
02:48:35 2 on the driver's side, the rear window, was  
02:48:38 3 blown out?

02:48:39 4 A Yes.

02:48:39 5 Q How about the back windshield, was that blown  
02:48:42 6 out?

02:48:42 7 A No.

02:48:42 8 Q Any other windows that were blown out?

02:48:45 9 A No.

02:48:45 10 Q Do you remember seeing gunshot holes in the  
02:48:49 11 front windshield at any time before you stopped  
02:48:52 12 and got out of the car?

02:48:53 13 A Yes.

02:48:54 14 Q How many?

02:48:55 15 A Maybe two.

02:48:56 16 Q After you saw the police officers but before  
02:49:07 17 you get onto the road to leave Roma's, did you  
02:49:12 18 see any squads?

02:49:14 19 A Before we got onto the road?

02:49:16 20 Q Yes, sir.

02:49:16 21 A No.

02:49:17 22 Q You mentioned that after you heard the first  
02:49:45 23 shot, you ducked down, right?

02:49:47 24 A Correct.

02:49:48 25 Q And actually, you saw Mr. Davis also move

02:49:52 1 forward, hunch forward?

02:49:54 2 A Correct.

02:49:54 3 Q Did you see Mr. Lara at all move forward after

02:49:59 4 you heard the first shot?

02:50:01 5 A No.

02:50:01 6 Q In other words, where he crouched down behind

02:50:04 7 the console or the dashboard?

02:50:06 8 A Probably. I didn't see it.

02:50:07 9 Q All right. How about at any time before you

02:50:12 10 actually physically leave the lot did you see

02:50:16 11 him crunching down for any reason, crunching

02:50:18 12 down behind the wheel or behind the front dash?

02:50:21 13 A No.

02:50:22 14 Q Were you looking straight ahead?

02:50:25 15 A I was tending to Chris.

02:50:27 16 Q Because by that point you knew something was

02:50:29 17 wrong?

02:50:29 18 A Yes.

02:50:30 19 Q Did Mr. Davis communicate back to you at all at

02:50:36 20 any time after you heard the first shot?

02:50:39 21 A No.

02:50:39 22 Q You said initially you didn't think he was

02:50:42 23 breathing, true?

02:50:43 24 A True.

02:50:43 25 Q In your presence did you become aware of the



02:50:48 1 fact that his breathing returned?

02:50:49 2 A No.

02:50:49 3 Q You said you poured some water to try to help  
02:50:56 4 with the wound; is that right?

02:50:57 5 A True.

02:50:57 6 Q And I'm sure this is difficult for you, and I  
02:51:02 7 apologize for -- to ask these questions, but  
02:51:05 8 you mentioned that the wound was in a certain  
02:51:09 9 part of his head. Do you remember that?

02:51:10 10 A Yes.

02:51:10 11 Q Tell me, if you can, where exactly you remember  
02:51:13 12 it being.

02:51:14 13 A The left side by his temple.

02:51:16 14 Q On the left side?

02:51:17 15 A Yes.

02:51:18 16 Q Between the left eye and the left ear?

02:51:23 17 A Yes.

02:51:23 18 Q Was there any discussion inside the car before  
02:51:52 19 you got out to run away about getting rid of  
02:51:55 20 the drugs?

02:51:56 21 A No.

02:51:56 22 Q You mentioned that you called Chris's  
02:52:17 23 girlfriend, who is your cousin. You gave us  
02:52:21 24 her name early in the deposition?

02:52:22 25 A Yes.

02:52:22 1 Q What is her last name?

02:52:24 2 A O-C-A-S-I-O.

02:52:26 3 Q And then you mentioned you called your aunt.

02:52:28 4 Was that your aunt that had the residence where

02:52:34 5 you were hours before?

02:52:35 6 A Correct.

02:52:35 7 Q And you gave us that name?

02:52:37 8 A Correct.

02:52:38 9 Q Okay. You also called your girlfriend?

02:52:41 10 A Correct.

02:52:41 11 Q Is she still your girlfriend?

02:52:43 12 A No.

02:52:44 13 Q What was your girlfriend's name at the time?

02:52:47 14 A Is there any relevancy to that?

02:52:49 15 Q Yeah, it could be important as the case

02:52:53 16 proceeds, so please answer that.

02:52:55 17 A She doesn't live here anymore. She lives in

02:52:58 18 Texas.

02:52:59 19 Q What's her name?

02:53:00 20 A Brie.

02:53:00 21 Q "Bray" is the first name?

02:53:01 22 A Brie.

02:53:02 23 Q Brie. Last name?

02:53:03 24 A Rodriguez.

02:53:39 25 (Exhibit No. 48 was marked.)

02:53:46 1 BY MR. LAUER:

02:53:46 2 Q Sir, I'm going to show you what we've marked as  
02:53:48 3 Exhibit 48, and I'll represent to you that this  
02:53:53 4 is a two-page document. It's called an  
02:53:57 5 extraction report at the top there. Do you see  
02:53:59 6 that?

02:53:59 7 A Um-hm.

02:53:59 8 Q "Yes"?

02:54:00 9 A Yes.

02:54:00 10 Q All right. And I'll represent to you that this  
02:54:03 11 is a download of calls or texts made between  
02:54:11 12 you and the CI on the day of the incident,  
02:54:14 13 okay?

02:54:14 14 A Okay.

02:54:15 15 Q All right. So I just want to ask you about  
02:54:17 16 some of these and then get your response.

02:54:25 17 So first of all, there's a reference  
02:54:27 18 to a name Papi Chulo?

02:54:34 19 A Papi.

02:54:34 20 MR. CADE: Papi, Big Papi.

02:54:37 21 BY MR. LAUER:

02:54:37 22 Q Okay. Is that you?

02:54:38 23 A I don't know how he had my name stored.

02:54:43 24 Q Did you ever use that name with him?

02:54:45 25 A No.

02:54:45 1 Q Do you recognize that number above it,  
02:54:49 2 [REDACTED] ?  
02:54:51 3 A I'm sure it was mine, but like I said, it's  
02:54:54 4 been almost four years, so I don't remember.  
02:54:55 5 Q You think that was your phone?  
02:54:57 6 A I believe so.  
02:54:57 7 Q Do you still have the cell phone that you were  
02:54:59 8 using that day?  
02:55:00 9 A I've been incarcerated for almost four years.  
02:55:03 10 I have nothing.  
02:55:03 11 Q That was confiscated by the police, I take it?  
02:55:06 12 A I believe.  
02:55:07 13 Q Okay. That first -- and it's in a box on the  
02:55:13 14 left. Number 1 references a "Sent" text  
02:55:19 15 message that says "I'm on 6th national lights."  
02:55:22 16 Do you see that?  
02:55:22 17 A Um-hm.  
02:55:23 18 Q Do you remember receiving that?  
02:55:24 19 A I don't remember none of these text messages  
02:55:28 20 from that day.  
02:55:28 21 Q All right. Then in box No. 2 there is a  
02:55:34 22 message from your cell phone, and the message  
02:55:37 23 says "Wats up buddy?" Do you remember sending  
02:55:41 24 that?  
02:55:41 25 A I just told you I don't remember any of these

02:55:44 1 text messages. I'm not going to answer that.

02:55:46 2 Q Do you have any reason to believe that these  
02:55:48 3 aren't messages that you sent or received from  
02:55:50 4 the CI on the day of?

02:55:51 5 A I'm not saying that they are not me. I just  
02:55:54 6 said I don't remember any of these.

02:55:55 7 Q All right.

02:55:57 8 A There is a difference.

02:55:58 9 Q Well, let me see if I can help you with your  
02:56:00 10 recollection. Box 10. And then back up to box  
02:56:13 11 8 there is a message in box 8 that says "Forget  
02:56:18 12 it ur taking too long I'm good I think it's  
02:56:21 13 bogus anyways." Do you recall sending that to  
02:56:25 14 the CI?

02:56:26 15 A No.

02:56:26 16 Q That indicates that message would have been  
02:56:30 17 sent on February 24, 2016, at 3:37 and three  
02:56:37 18 minutes, three seconds. Do you see that?

02:56:38 19 A Yeah, but first of all, you have to elaborate  
02:56:41 20 on whose numbers did you get these from, mine  
02:56:44 21 or his?

02:56:44 22 Q I think this is downloaded from the CI's phone  
02:56:48 23 and would indicate texts between him and you on  
02:56:52 24 the day of, okay?

02:56:53 25 A Okay. So my -- me texting him would be in the

02:56:58 1 gray boxes?

02:56:59 2 Q Well, in No. 8 --

02:57:01 3 A That's him.

02:57:02 4 Q -- my understanding would be that is the  
02:57:05 5 message that you're sending to him, and then if  
02:57:09 6 it says "Sent," it would be one that he is  
02:57:13 7 sending to you.

02:57:16 8 So with that in mind, do you remember  
02:57:21 9 that text or generally remember in box 8  
02:57:24 10 saying, "Hey, it's taking too long, and I think  
02:57:28 11 it's bogus anyway"?

02:57:29 12 A If I'm reading this correctly, that would not  
02:57:32 13 be me.

02:57:33 14 Q Well, I think my understanding is that would be  
02:57:36 15 something that you would be sending to him, and  
02:57:41 16 then --

02:57:41 17 A Well, but why would I tell him that forget it,  
02:57:45 18 it was taking too long?

02:57:46 19 Q I don't know. That's what I want to ask you.

02:57:50 20 A I just told you I don't remember, so how am I  
02:57:52 21 going to answer a question I don't remember?  
02:57:52 22 You're forcing me to answer things that I don't  
02:57:54 23 remember.

02:57:54 24 Q Sir, I don't want you to answer anything that  
02:57:56 25 you don't have a recollection of.

02:57:57 1 A You keep on pressuring me to answer the  
02:57:59 2 question, and I've told you three times I don't  
02:58:01 3 remember.  
02:58:01 4 Q If you can't answer, that's fine. Tell me,  
02:58:03 5 okay?  
02:58:03 6 A I've done multiple times.  
02:58:05 7 Q Okay. How about if you drop down to item 20  
02:58:16 8 there. It says "Sent" message, says "Type  
02:58:24 9 Burger King" -- strike that.  
02:58:25 10 It says "Type burger kind," K-I-N-D,  
02:58:30 11 "east Troy that will work best i don't have  
02:58:32 12 data." Do you remember being sent that  
02:58:35 13 message?  
02:58:35 14 A Again, like I told you, why would I be sending  
02:58:39 15 him that?  
02:58:40 16 Q No, no. This is one that was being sent to  
02:58:43 17 you. Do you recall that?  
02:58:46 18 A No. I -- no.  
02:58:48 19 Q How about on box 23 the message that says, "Ok.  
02:58:55 20 B there in 25 mins I," period, "Not waiting  
02:59:00 21 around." Do you remember sending that?  
02:59:02 22 A No.  
02:59:02 23 Q Could you have sent that because that was part  
02:59:04 24 of the planning?  
02:59:05 25 A Like I said at the beginning, I may have but I

02:59:07 1 don't remember a conversation. I'm sure you  
02:59:09 2 don't remember a conversation four years --  
02:59:11 3 that you had four years ago.

02:59:12 4 Q Fair enough. If you can go to the second page,  
02:59:15 5 please. Item 27. This would be a "Sent"  
02:59:28 6 message from the CI to you, and it reads, "Give  
02:59:34 7 in like 20 bro someone's getting busted in  
02:59:38 8 front of the gas station."

02:59:40 9 Do you recall getting news about a  
02:59:42 10 bust in front of the gas station that somehow  
02:59:47 11 would have moved the location from the Burger  
02:59:49 12 King/gas station to Roma's?

02:59:50 13 A No.

02:59:51 14 Q Do you recall when the decision was made to go  
02:59:56 15 to Roma's? Somewhere in the car ride over?

02:59:59 16 A Yes.

03:00:00 17 Q But you're not sure when?

03:00:01 18 A Exactly.

03:00:02 19 Q Or why?

03:00:03 20 A I don't know why.

03:00:03 21 Q All right. Then if you jump down to item 36.

03:00:13 22 This is a "Sent" message, according to the  
03:00:18 23 document, from the CI to you, and it says, "Ok  
03:00:22 24 coming what car u in"?

03:00:25 25 And this is at -- on the day of the



03:00:28 1 incident -- 5:27 and 34 seconds. Do you  
03:00:33 2 remember that question coming to you at about  
03:00:34 3 that time?

03:00:35 4 A No. My phone wasn't working.

03:00:37 5 Q Do you remember using Mr. Lara's phone toward  
03:00:43 6 the end?

03:00:43 7 A Yes.

03:00:43 8 Q And that was because your --

03:00:45 9 A That was a phone call.

03:00:46 10 Q I'm sorry?

03:00:47 11 A It was a phone call. There was no text  
03:00:49 12 messages.

03:00:49 13 Q So you used Mr. Lara's phone to make a call to  
03:00:53 14 the CI?

03:00:54 15 A Correct.

03:00:55 16 Q When was that in relation to your pulling into  
03:00:58 17 the lot?

03:00:58 18 A We were already sitting there for a little  
03:01:01 19 while.

03:01:01 20 Q So you called him, and what did you say to him?

03:01:04 21 A Where is he at? I mean, if you look at these,  
03:01:08 22 there is missing text messages there, so none  
03:01:10 23 of this is --

03:01:10 24 Q These are not phone calls. These are just text  
03:01:13 25 messages.

03:01:14 1 A That's what I just said. I said there is  
03:01:17 2 missing text messages in some of the columns.  
03:01:19 3 Q Right.  
03:01:20 4 A So I -- I don't know.  
03:01:21 5 Q I'm just talking about this phone call that you  
03:01:22 6 made --  
03:01:23 7 A And I just told you I asked him where he was  
03:01:26 8 at, and that was it. He said he would be  
03:01:27 9 there. That's all he said.  
03:01:30 10 Q And then how soon after that before you decided  
03:01:33 11 to leave?  
03:01:34 12 A Two minutes.  
03:01:35 13 Q Your phone ran out of batteries or froze?  
03:01:42 14 A Phone wasn't working. It wasn't working at  
03:01:45 15 all.  
03:01:45 16 Q It was working earlier but then it just  
03:01:47 17 stopped?  
03:01:48 18 A Yes.  
03:01:48 19 Q Okay. How you doing? I'm almost done.  
03:01:58 20 If we can go back to Exhibit 46.  
03:02:25 21 One, two, three, four, fourth paragraph down,  
03:02:28 22 page 3. The second sentence there.  
03:02:45 23 "Juarez-Nieves said there was yelling when José  
03:02:48 24 drove off."  
03:02:49 25 I know you had some discussion with

03:02:50 1 Mr. Sparks about that, but do you remember  
03:02:55 2 yelling inside the car?

03:02:57 3 A No.

03:02:57 4 Q Do you remember hearing yelling outside of the  
03:03:05 5 car?

03:03:05 6 A No.

03:03:05 7 Q Do you have any idea, then, what that "yelling"  
03:03:09 8 is referring to?

03:03:09 9 A No.

03:03:10 10 Q Page 4 at the top there. There is reference to  
03:03:34 11 you said you "held Chris while he attempted to  
03:03:37 12 call his family with his cellular phone to  
03:03:40 13 explain what just happened."

03:03:42 14 You were referencing your calls,  
03:03:44 15 right, to your aunt and to your cousin?

03:03:48 16 A Yes. That says.

03:03:49 17 Q Chris was unable to use the phone. He was  
03:03:52 18 unresponsive, true?

03:03:53 19 A That's exactly what it says there.

03:04:08 20 Q Do you remember telling the investigator on the  
03:04:11 21 day of the incident when you were speaking to  
03:04:14 22 him that the drugs belonged to your brother?

03:04:18 23 A I don't remember.

03:04:19 24 Q You were the one that had the contact with the  
03:04:25 25 CI to get the deal going and asked your brother

03:04:29 1 to get the drugs?

03:04:30 2 A Like I said earlier, I was basically a  
03:04:34 3 middleman.

03:04:36 4 MR. LAUER: Okay. That's all the  
03:04:37 5 questions I have for right now. Thank you.

03:04:39 6 MR. CADE: I'm going to have just a  
03:04:41 7 few questions, sir.

03:04:44 8 Again, my name is Nate Cade. I  
03:04:46 9 represent Christopher Davis, the estate of and  
03:04:48 10 his family. I just have a few questions for  
03:04:51 11 you.

03:04:52 12 EXAMINATION

03:04:52 13 BY MR. CADE:

03:04:56 14 Q Just so I'm clear, did you ever -- you had  
03:04:59 15 mentioned that you believe that Mr. Davis had  
03:05:01 16 smoked marijuana before?

03:05:02 17 A Yes.

03:05:02 18 Q Did you ever smoke it with him?

03:05:06 19 A No.

03:05:06 20 Q How did you know Mr. Davis smoked marijuana?

03:05:09 21 A He smoked it around me. I don't smoke weed,  
03:05:12 22 so --

03:05:12 23 Q You observed him smoking marijuana?

03:05:14 24 A Yeah, once before.

03:05:16 25 Q Once before. How long?

03:05:17 1 A Before the incident?

03:05:18 2 Q Yeah.

03:05:19 3 A Months.

03:05:19 4 Q Months?

03:05:19 5 A Yeah. He didn't really -- it wasn't really his

03:05:26 6 thing. It was just --

03:05:28 7 Q Other people were kind of doing it, he might

03:05:30 8 take a hit?

03:05:31 9 A Exactly.

03:05:32 10 Q He wasn't smoking an entire blunt, he would

03:05:35 11 just take a hit?

03:05:37 12 A Exactly.

03:05:38 13 Q More social than anything?

03:05:40 14 A Yeah. Like I said, I only seen him do it once.

03:05:43 15 Q Was there ever a discussion between you, your

03:05:46 16 brother and Chris about the money that the CI

03:05:49 17 was going to pay, who was going to get the

03:05:51 18 money?

03:05:51 19 A It was going to my brother and Chris.

03:05:52 20 Q How do you know it was going to your brother

03:05:55 21 and Chris?

03:05:55 22 A Because my brother was the one that was getting

03:05:58 23 it.

03:05:58 24 Q Right, but how do you know that it was going to

03:06:01 25 Chris?

03:06:01 1 A Because for Chris taking us out there.

03:06:03 2 Q There was a discussion that Chris would get  
03:06:05 3 money?

03:06:05 4 A Yeah.

03:06:05 5 Q How much was he supposed to get?

03:06:07 6 A Like, \$150, maybe, plus the gas that my brother  
03:06:13 7 put in.

03:06:14 8 Q Did you ever see police lights?

03:06:15 9 MR. LAUER: The question is vague as  
03:06:16 10 to time. Subject to that, you can answer.

03:06:19 11 BY MR. CADE:

03:06:19 12 Q Go ahead and answer, and then I'll rephrase.

03:06:21 13 A After we were on the freeway, yes, I seen  
03:06:24 14 police lights.

03:06:24 15 Q Before that you never saw police lights?

03:06:26 16 A Never.

03:06:27 17 Q Would you be surprised to learn there were four  
03:06:32 18 gunshots into the vehicle?

03:06:32 19 A Yes.

03:06:33 20 Q You would be surprised?

03:06:34 21 A Yes.

03:06:34 22 Q So if, in fact, I can tell you there are four  
03:06:37 23 gunshots, you heard two?

03:06:39 24 A I heard two and I only seen -- like I said, I  
03:06:42 25 seen them through the windshield. I don't know

03:06:44 1 if the left passenger side -- driver's side  
03:06:46 2 window got hit or it was a bullet, I can't --  
03:06:49 3 that's why I said I only know of two.

03:06:51 4 Q Okay. So I can tell you there are four  
03:06:53 5 definitively.

03:06:54 6 A Okay.

03:06:55 7 Q Did you know whether Christopher Davis had  
03:07:00 8 any -- how do I put this? Any -- whether he  
03:07:10 9 had any intellectual deficits? Whether he was  
03:07:13 10 slow, mentally slow?

03:07:14 11 A To my knowledge, no.

03:07:15 12 Q Okay.

03:07:16 13 A I know he had problems with, like, health  
03:07:19 14 problems.

03:07:19 15 Q Yeah. He had problems with his feet?

03:07:21 16 A Yeah.

03:07:22 17 Q Right.

03:07:22 18 A That's all I knew.

03:07:23 19 Q You didn't know anything about his mental  
03:07:27 20 intellect?

03:07:27 21 A Not at all.

03:07:28 22 Q Did Chris ever say that he wanted to go down to  
03:07:33 23 East Troy because it was his car?

03:07:35 24 A Yes. He said that he wanted to go with because  
03:07:39 25 it was -- we originally told my cousin it was

03:07:41 1 to look at a car for my brother, and he knew  
03:07:45 2 about the whole thing the whole time. He  
03:07:48 3 called my cousin prior to us leaving and told  
03:07:51 4 that he was going to take my brother to go look  
03:07:52 5 at a vehicle.

03:07:53 6 Q Okay.

03:07:54 7 A And he wanted to drive with because he didn't  
03:07:59 8 want nothing to happen to his car.

03:08:00 9 Q Now, I want to change for a moment. When  
03:08:06 10 showing you on your drawing on 47, which is of  
03:08:10 11 the parking lot, your brother -- you guys get  
03:08:17 12 this weird feeling that something's going on  
03:08:19 13 and so it's decided you're going to back up.  
03:08:23 14 Well, he has to back up because there is cars  
03:08:25 15 blocking him, correct?

03:08:26 16 A Correct.

03:08:26 17 Q He couldn't just put it in drive and go  
03:08:29 18 forward, right?

03:08:30 19 A Correct.

03:08:30 20 Q So he backs up to go out through the exit,  
03:08:34 21 correct?

03:08:34 22 A Correct.

03:08:34 23 Q And as he backs up, was it a normal putting in  
03:08:41 24 reverse and backing up or did he do so quickly  
03:08:44 25 and the car made noise?



03:08:46 1 A Normal.

03:08:46 2 Q Normal. When he put the car forward to drive,

03:08:50 3 how fast was he going?

03:08:51 4 A I can't really say how fast he was going. It

03:08:55 5 wasn't at a high rate.

03:08:55 6 Q Sure. Well, let me do this. You've driven a

03:09:00 7 vehicle before, correct?

03:09:00 8 A Correct.

03:09:01 9 Q You, at one point, probably had a driver's

03:09:03 10 license?

03:09:03 11 A Correct.

03:09:03 12 Q So you know the difference between going, say,

03:09:05 13 10 or 15 miles an hour and going 60 miles an

03:09:08 14 hour, correct?

03:09:09 15 A Yes.

03:09:09 16 Q Okay. Can you tell the difference between

03:09:12 17 going 10 and 15 miles an hour and, say, 45

03:09:15 18 miles an hour?

03:09:16 19 A Yes.

03:09:16 20 Q Can you tell the difference between, say, going

03:09:18 21 10 and 15 miles and 30 miles an hour?

03:09:20 22 A Yes.

03:09:21 23 Q So knowing all of those various things, how

03:09:23 24 fast do you think the vehicle was going when he

03:09:25 25 put it to drive?

03:09:27 1 MR. LAUER: Asked and answered. Go  
03:09:29 2 ahead.

03:09:29 3 THE WITNESS: Around 25.

03:09:30 4 BY MR. CADE:

03:09:30 5 Q Around 25 to leave the parking lot?

03:09:32 6 A Normal speed to get out of a parking lot.

03:09:35 7 Q Normal speed, okay. Did the engine rev or  
03:09:40 8 anything?

03:09:40 9 A Not to my knowledge.

03:09:41 10 Q I mean, he didn't -- when he backed up, as he  
03:09:44 11 was putting it in -- forward, did he, you know,  
03:09:46 12 push down on the gas or rev the engine or  
03:09:48 13 anything?

03:09:49 14 MR. LAUER: Object to the form of the  
03:09:50 15 question. Calls for speculation. Go ahead.

03:09:53 16 THE WITNESS: No.

03:09:54 17 BY MR. CADE:

03:09:54 18 Q You were in the vehicle, right?

03:09:55 19 A Correct.

03:09:56 20 Q So if there was revving, you've heard a vehicle  
03:09:59 21 engine rev, correct?

03:10:00 22 A Yes.

03:10:01 23 Q Did you hear revving of an engine?

03:10:03 24 A No. If you're asking if my brother attempted  
03:10:06 25 to run the officer over, no.

03:10:07 1 Q Right. Because you could see out the  
03:10:09 2 windshield?  
03:10:09 3 A I could see out the windshield. There was  
03:10:11 4 nobody standing in the clear view of the front  
03:10:13 5 of the car.  
03:10:29 6 Q You said the parking lot -- just so I'm  
03:10:31 7 clear -- it was filled with cars, correct?  
03:10:33 8 A Where we were parked at, yes.  
03:10:35 9 Q Where you were parked there were cars?  
03:10:37 10 A Oh, yeah, there were cars everywhere, except I  
03:10:41 11 don't remember behind us.  
03:10:42 12 Q As your brother backs out, and he's basically  
03:10:45 13 in the driving lanes of the parking lot,  
03:10:48 14 correct?  
03:10:48 15 A Correct.  
03:10:48 16 Q And as you're looking out the window, you did  
03:10:51 17 not see any individual standing outside of a  
03:10:56 18 vehicle, correct?  
03:10:57 19 A No.  
03:10:58 20 Q My --  
03:10:59 21 A I did not. No, I did not see anybody.  
03:11:01 22 Q And then as he was driving out of the exit is  
03:11:05 23 when you first saw the two officers out of the  
03:11:10 24 vehicle, correct?  
03:11:10 25 A Well, we were already hitting the street.

03:11:13 1 That's when I looked to the side to see all the  
03:11:16 2 police coming from behind us and on the side of  
03:11:19 3 us.

03:11:19 4 Q If you would turn to your statement. Just so  
03:11:23 5 I'm clear, I'm looking at page 3 in the fifth  
03:11:44 6 paragraph. The one where it says  
03:11:47 7 "Juarez-Nieves stated they originally drove off  
03:11:49 8 from Roma's," correct? Do you see that? This  
03:11:52 9 paragraph here. (Indicates.)

03:11:54 10 A Where, what sentence?

03:11:55 11 Q Okay. So here it says "Juarez stated the  
03:12:00 12 officer was running towards the vehicle when  
03:12:01 13 the shot happened."

03:12:03 14 Just so I'm clear, because I believe  
03:12:05 15 you were answering Mr. Sparks when he asked  
03:12:07 16 that. As your brother puts it in drive, you  
03:12:10 17 could see out the windshield. You do not see  
03:12:12 18 anybody standing out there, correct?

03:12:14 19 A Yeah, nobody.

03:12:14 20 Q Then you hear at least two gunshots and the  
03:12:18 21 windshield is hit, right?

03:12:18 22 A Correct.

03:12:19 23 Q You see Mr. Davis slump forward?

03:12:21 24 A Correct.

03:12:22 25 Q And as your brother drives away, that's when

03:12:25 1 you see police officers. Are they running  
03:12:29 2 towards your vehicle or are they running back  
03:12:31 3 towards a different vehicle?

03:12:32 4 MR. LAUER: Let me just object.  
03:12:33 5 There is no foundation that he saw two officers  
03:12:36 6 running, so that mischaracterizes what he said.  
03:12:39 7 Subject to that --

03:12:41 8 MR. CADE: Go ahead and answer.

03:12:43 9 MR. LAUER: -- please answer.

03:12:43 10 MR. SPARKS: I'll add asked and  
03:12:45 11 answered. Go ahead.

03:12:46 12 THE WITNESS: One was running to his  
03:12:47 13 car and the other one was still standing there.

03:12:50 14 BY MR. CADE:

03:12:50 15 Q Okay. So the running of an officer was running  
03:12:53 16 towards the car, not towards the vehicle?

03:12:55 17 A Right.

03:12:55 18 Q The shots had already happened?

03:12:57 19 A Yes.

03:12:57 20 Q When the shots happened, whether it's two,  
03:13:01 21 three or four, did your brother increase the  
03:13:04 22 speed of the vehicle as he exited the parking  
03:13:06 23 lot?

03:13:07 24 A No.

03:13:08 25 MR. LAUER: Object to the form of the

03:13:09 1 question. Lack of foundation as to other shots  
03:13:13 2 beyond two.

03:13:13 3 THE WITNESS: I can answer?

03:13:14 4 MR. LAUER: Yeah, please.

03:13:15 5 BY MR. CADE:

03:13:15 6 Q Yes.

03:13:16 7 A No. When he took off on the street, that's  
03:13:19 8 when he sped up already, when there was cops  
03:13:21 9 behind us.

03:13:21 10 Q So as soon as he hits County Highway ES or Road  
03:13:27 11 ES is when he took off to the south heading  
03:13:30 12 towards the Highway 43?

03:13:31 13 A Correct.

03:13:33 14 Q You also state in that, just so I'm clear,  
03:13:36 15 after you say you had a weird feeling,  
03:13:39 16 "Juarez-Nieves stated there was yelling when  
03:13:41 17 José drove off." Can you explain that?

03:13:45 18 A I was yelling at him asking him, you know, what  
03:13:47 19 the hell happened.

03:13:49 20 Q So the yelling was not before the shooting, the  
03:13:51 21 yelling was after the shooting?

03:13:52 22 A Yes.

03:13:53 23 Q So that was the yelling of "What's going on?  
03:13:55 24 What's going on? What happened?" That type of  
03:13:57 25 thing?

03:13:57 1 A Correct.

03:13:58 2 Q Now, it says "After the yelling, Juarez-Nieves  
03:14:05 3 heard a gunshot."

03:14:07 4 A I don't remember saying that.

03:14:09 5 Q Okay. If you turn to the next page, sir. As a  
03:14:30 6 follow-up question to what you were asked, you  
03:14:34 7 said you "held Chris while he," that's you,  
03:14:37 8 "attempted to call family"?

03:14:38 9 A Yes.

03:14:39 10 MR. LAUER: You're in the first  
03:14:40 11 paragraph?

03:14:41 12 MR. CADE: First paragraph, yes.

03:14:43 13 MR. LAUER: Thanks.

03:14:44 14 THE WITNESS: That's me. They  
03:14:45 15 probably took it as I'm telling them that I was  
03:14:48 16 attempting to make phone calls.

03:14:49 17 BY MR. CADE:

03:14:49 18 Q Right. And then it says "with his cellular  
03:14:51 19 telephone." Was that really your brother's  
03:14:53 20 phone or was that your phone?

03:14:53 21 A No, that was mine. When I was -- for some  
03:14:55 22 reason when I was at the Roma's parking lot, my  
03:14:57 23 phone, it was in roaming and wouldn't allow me  
03:15:00 24 to make calls or text messages. After we left,  
03:15:03 25 that's when my service came back on.

03:15:07 1 Q Do you know what provider you had at the time?

03:15:09 2 A T-Mobile.

03:15:23 3 Q Turn back to the second page. I'm sorry. In  
03:15:29 4 the first paragraph there you stated "Juarez,"  
03:15:34 5 in the second to last sentence, "Juarez-Nieves  
03:15:38 6 stated that the," quote, "black buy," close  
03:15:42 7 quote, "was an innocent person." What do you  
03:15:45 8 mean by that?

03:15:45 9 A I don't remember saying that.

03:15:46 10 Q Okay.

03:15:48 11 A I'm sure I probably meant that -- Chris is  
03:15:56 12 black, so there was no reason -- to me, there  
03:15:58 13 was no reason the cops should have shot at to  
03:16:02 14 begin with, so it's more of a racial thing than  
03:16:05 15 anything.

03:16:05 16 Q Sure.

03:16:06 17 A That's my opinion.

03:16:07 18 Q The music you guys had on in the car, was it on  
03:16:11 19 loud?

03:16:12 20 A Fairly loud.

03:16:13 21 Q Okay. And what were you guys listening to, hip  
03:16:16 22 hop or --

03:16:17 23 A Hip hop.

03:16:18 24 Q Hip hop, okay. Did you ever hear anyone say,  
03:16:22 25 "Show me your hands," or, "What are you doing?"



03:16:25 1 or, "Put the car -- Turn off the ignition,"  
03:16:30 2 anything like that?

03:16:31 3 A Not one time.

03:16:32 4 Q Was there any warning that you were aware of  
03:16:37 5 before the shots were fired?

03:16:39 6 A No. As I'm reading this, it says, like -- they  
03:17:05 7 are asking I inquired about what happened to  
03:17:07 8 the white male. They didn't put my brother's  
03:17:10 9 name, so that's why I'm assuming that's why  
03:17:12 10 it's in parentheses and not their names.

03:17:14 11 MR. LAUER: You're on page 2 at that  
03:17:16 12 top paragraph, right?

03:17:17 13 THE WITNESS: Correct.

03:17:18 14 MR. LAUER: Okay.

03:17:18 15 THE WITNESS: I never said "the black  
03:17:20 16 male" or "the white male." I know exactly who  
03:17:23 17 they are, so I wouldn't call them white or  
03:17:25 18 black.

03:17:28 19 BY MR. CADE:

03:17:28 20 Q Right.

03:17:29 21 A I'm assuming they put that in their own words.

03:17:31 22 Q Sure. And then it also says later in the  
03:17:33 23 paragraph, "Juarez-Nieves referred to the,"  
03:17:37 24 quote, "black guy," close quotes, "as his  
03:17:39 25 cousin's husband."

03:17:40 1 Your cousin wasn't married to Chris,  
03:17:43 2 was she?

03:17:43 3 A No. They're engaged.

03:17:45 4 Q They're engaged?

03:17:46 5 A Yes.

03:17:46 6 Q Did you ever use the word "husband"?

03:17:49 7 A Probably would have in Hispanic. They were  
03:17:51 8 already living together, so they were pretty  
03:17:54 9 much married. They were together for quite a  
03:17:56 10 while, but I would never -- never refer to him  
03:17:59 11 as a "black guy" or my brother as a "white  
03:18:03 12 male."

03:18:03 13 Q Right.

03:18:03 14 A So I don't know why it's on there.

03:18:05 15 Q And one of the things that -- at the time of  
03:18:07 16 the shooting, did you have fairly long hair?

03:18:10 17 A Yes.

03:18:10 18 Q Okay. Were you aware there was a reference by  
03:18:13 19 police officers there were two females in the  
03:18:16 20 vehicle?

03:18:16 21 A No. The only time that I've -- that they said  
03:18:23 22 something about a female running away was when  
03:18:26 23 I came down from the tree and they asked me  
03:18:29 24 about where was the other girl and where was  
03:18:31 25 the gun, and there was no gun or no girl.

03:18:34 1 Q Your brother had long hair, too, at the time?

03:18:37 2 A No.

03:18:37 3 Q He had short hair?

03:18:39 4 A He had short hair.

03:18:40 5 Q You were the only one with long hair?

03:18:42 6 A I was the only one with long hair.

03:18:44 7 Q After Chris was shot, did he make any

03:18:46 8 statements? Did he say anything, any words?

03:18:48 9 A No. He didn't say nothing.

03:18:50 10 Q It was just you heard -- you saw him. I mean,

03:18:54 11 basically, could you see his eyes, for example?

03:18:57 12 A His eyes were closed.

03:18:58 13 Q His eyes were closed. Did he make any sounds?

03:19:01 14 A No. That's why I was trying to pour water on

03:19:04 15 him to wake him up.

03:19:05 16 Q Could you hear moaning or groaning or anything?

03:19:08 17 A No.

03:19:08 18 Q Could you hear him breathing?

03:19:09 19 A No.

03:19:10 20 Q When you got the call from -- the call/text

03:19:25 21 from the CI about the drugs, did you know

03:19:28 22 whether you could fulfill his order?

03:19:29 23 A No.

03:19:30 24 Q Your brother just happened to show by, and you

03:19:33 25 said, "Hey, can you fill this order?"

03:19:35 1 A Yes.

03:19:35 2 Q Okay.

03:19:36 3 A It was -- it was pure coincidence that him  
03:19:39 4 and -- he showed up, and I believe Chris and my  
03:19:41 5 cousin showed up shortly after. They didn't go  
03:19:46 6 there together.

03:19:46 7 Q Okay. Chris showed up on his own?

03:19:48 8 A Yeah.

03:19:49 9 Q And your brother showed up on his own?

03:19:51 10 A Yes. My brother lives, like -- like, two  
03:19:54 11 blocks down from my grandmother.

03:19:56 12 Q So your brother walked?

03:19:57 13 A Yes.

03:19:58 14 Q And Chris just happened to have a car?

03:19:59 15 A Yes.

03:20:10 16 MR. CADE: Those are my questions.

03:20:11 17 Thank you, sir.

03:20:12 18 MR. LAUER: I just -- a couple  
03:20:14 19 follow-up based upon that.

03:20:15 20 EXAMINATION

03:20:16 21 BY MR. LAUER:

03:20:16 22 Q You mentioned there was some discussion with  
03:20:17 23 somebody about going to look for a car. Tell  
03:20:20 24 me about that.

03:20:21 25 A Chris, me and my brother spoke about telling my

03:20:26 1 cousin that we were going to go look at a car  
03:20:29 2 instead of telling her we were going to go for  
03:20:31 3 drugs.

03:20:31 4 Q So there was what, a phone call to your cousin?

03:20:34 5 A Chris called my cousin and told her that he was  
03:20:36 6 going to take my brother to go look at a car.

03:20:39 7 Q Were you looking -- strike that.

03:20:40 8 Were you in the car by then or were  
03:20:41 9 you still at the home?

03:20:44 10 A We were still at my grandmother's house still.

03:20:47 11 Q And so that was to cover up the fact that you  
03:20:50 12 were going to do a drug deal so she wouldn't  
03:20:52 13 find out about that?

03:20:53 14 A Correct.

03:20:55 15 Q This path on Exhibit 47 out. Are you saying  
03:21:07 16 that the car backed out and then came through  
03:21:09 17 the travel area of the parking lot and came  
03:21:12 18 around any of the parking spots and then came  
03:21:15 19 out through the north entrance or north exit  
03:21:19 20 there?

03:21:19 21 A That's what the red arrow indicates, that this  
03:21:21 22 is -- the red arrow indicates that we were  
03:21:23 23 leaving.

03:21:23 24 Q Yeah. I guess my question is, was -- do you  
03:21:28 25 remember whether the car cut across any of the

03:21:31 1 parking stalls that were empty in order to get  
03:21:34 2 out?  
03:21:34 3 A No.  
03:21:34 4 Q Did the car ever leave any portion of the paved  
03:21:37 5 area on its way out of the lot?  
03:21:39 6 A Not to my knowledge.  
03:21:40 7 Q In other words, you don't remember it going up  
03:21:42 8 on the grass at all?  
03:21:43 9 A Not to my knowledge.  
03:21:45 10 Q You said Chris Davis had problems with his  
03:21:50 11 feet. What --  
03:21:51 12 A I said he had health problems.  
03:21:52 13 Q Yeah. Then there was --  
03:21:53 14 MR. CADE: I said feet.  
03:21:55 15 BY MR. LAUER:  
03:21:55 16 Q -- reference to his feet, and I think you  
03:21:57 17 agreed. Do you know anything about problems  
03:21:58 18 with his feet?  
03:21:59 19 A He had just had -- he had surgery on his feet.  
03:22:02 20 I don't know the diagnosis or what it is.  
03:22:03 21 Q Okay.  
03:22:04 22 A I just know he had problems with his feet.  
03:22:09 23 MR. LAUER: Okay. That's it.  
03:22:10 24 MR. SPARKS: I've just got one more.  
03:22:12 25 I'll be quick.

## EXAMINATION

BY MR. SPARKS:

Q You mentioned earlier that you weren't sure how that back -- the rear left passenger window was blown out?

MR. LAUER: Passenger or driver?

THE WITNESS: It was the left passenger, back side. If you were sitting in the vehicle, you're in front, there is the driver's side. The left side window in the back.

MR. LAUER: Yeah.

MR. CADE: The window behind the driver.

THE WITNESS: Correct.

BY MR. SPARKS:

Q So it was the one, like, across the back seat from you, from where you were sitting, right?

A Correct.

Q And I think you testified you weren't sure whether that was a bullet or whether it got hit?

A Yeah, I don't -- I don't know. It just blow -- it just blew out.

Q When you say whether it got -- I guess other

03:22:53 1 than a bullet, what were you thinking it could  
03:22:55 2 have been?

03:22:55 3 MR. CADE: Objection. Speculation.  
03:22:56 4 Go ahead and answer.

03:22:57 5 THE WITNESS: I have no idea. Like I  
03:22:59 6 said, I only heard two gunshots. I didn't know  
03:23:02 7 that there was four. From -- I've seen stuff  
03:23:04 8 in the news and in the papers, but I didn't --  
03:23:08 9 they never specified any of the things that I'm  
03:23:11 10 hearing today. I can't tell you exactly what  
03:23:13 11 it was because it just kind of blew out.

03:23:15 12 BY MR. SPARKS:

03:23:15 13 Q Have you read much about this incident in the  
03:23:17 14 papers?

03:23:17 15 A Not much. I try not to.

03:23:19 16 Q Okay. Can you estimate how many articles  
03:23:22 17 you've read through?

03:23:23 18 A Just two, really. One from the Gazette. I  
03:23:34 19 don't know exactly what county it is, because a  
03:23:37 20 sergeant at Thompson showed me. He's, like,  
03:23:39 21 "Is this you?" And I was sleeping, and I read  
03:23:42 22 it. It was about my brother being guilty.

03:23:44 23 Q So that was recently, then?

03:23:46 24 A Yes.

03:23:46 25 Q How about the other article, do you remember



03:23:49 1 when you read that?

03:23:50 2 A I want to say probably three years ago, almost  
03:23:52 3 four years ago. When this all happened.

03:23:54 4 Q Closer to the incident?

03:23:55 5 A Yes. I was at MSDF.

03:24:01 6 MR. CADE: MSDF. Milwaukee Secured  
03:24:03 7 Detention Facility. It's the state jail  
03:24:05 8 downtown.

03:24:05 9 BY MR. SPARKS:

03:24:06 10 Q Do you remember what publication that was?

03:24:07 11 A The Journal.

03:24:07 12 Q Journal Sentinel?

03:24:08 13 A Yes.

03:24:09 14 Q Milwaukee?

03:24:09 15 A Yes. That's when they named me before I was  
03:24:11 16 charged with anything.

03:24:13 17 MR. SPARKS: I don't have anything  
03:24:15 18 further.

03:24:16 19 MR. LAUER: Just for the record, any  
03:24:17 20 portion of the transcript or testimony that  
03:24:19 21 relates to the CI's identity is for attorneys'  
03:24:23 22 eyes only; and I think the exhibit, the only  
03:24:26 23 exhibit --

03:24:27 24 MR. SPARKS: That is unredacted,  
03:24:29 25 so --

03:24:30

1

MR. LAUER: Yeah.

03:24:30

2

-- would be 46, and to the extent

03:24:33

3

that 48 may have some specific identification

03:24:35

4

information, I designate those. Thank you.

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(Proceedings concluded at 3:24 p.m.)

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1 STATE OF WISCONSIN )  
2 ) SS:  
3 COUNTY OF MILWAUKEE )  
4

5 I, TRICIA P. TREXELL, Registered  
6 Professional Reporter, Certified Realtime Reporter  
7 and Notary Public in and for the State of Wisconsin,  
8 do hereby certify that the above deposition of  
9 ROBERTO JUAREZ-NIEVES was recorded by me on  
10 July 19, 2019, and reduced to writing under my  
11 personal direction.

12 I further certify that I am not a  
13 relative or employee or attorney or counsel of any  
14 of the parties, or a relative or employee of such  
15 attorney or counsel, or financially interested  
16 directly or indirectly in this action.

17 In witness whereof I have hereunder set  
18 my hand and affixed my seal of office at Milwaukee,  
19 Wisconsin, this 29th day of July, 2019.  
20

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22 \_\_\_\_\_  
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